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Thomas Barnes Cuming, Jr. and the location of Nebraska's territorial capitol

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THOMAS BARNES CUMING, JR. AND THE LOCATION OF NEBRASKA'S
TERRITORIAL CAPITOL

by

Nan Viergutz Carson

A Thesis

Presented to

the Graduate Faculty of the Department of History

University of Omaha

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

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CHAPTER I

INTRODUCTION

On May 30, 1854, Franklin Pierce, President of the United States, signed into law the Kansas-Nebraska Act. This act, long famous in American history, had as its purpose the territorial organization of the continental heart of the United States. Pioneering settlement had populated both coastal regions as well as the east central area lying along the great Mississippi River. Between these separated portions of the United States of America stretched the high plains, an area which had been considered unfit for white civilization for over twenty years, and which, as a result, had been given by the federal government to tribes of displaced Indians, to be held by them in perpetuity. By 1853, however, political and commercial necessities had made it clear to a number of powerful legislators in Washington that the area could not be relinquished to the Indian for all time; that it was needed in the federal framework in order to make possible transportation and communication connections between the two coastal sections. The American dream of the Pacific Railroad and, to a lesser degree, of a transcontinental telegraph, were the twin progenitors of the Kansas-Nebraska Act.

The Act provided for the territorial organization of Kansas and Nebraska, the latter embracing, roughly, the northern interior of the

country, stretching from the fortieth parallel to the Canadian border, and from the Missouri River to the crest of the Rocky Mountains.

A vast, unoccupied land, the Act was designed to pave the way for its eventual entry into the federation of states by the traditional route of temporary territorial status. Implicit in this intention of the Act was not only the withdrawal of the region from the realm of un-governed wilderness, but also, by virtue of legal attachment to the federal union, the opening of it to settlement and commercial exploitation by the citizens of the United States.

While the concomitant struggle over the unrelated issue of slavery which the Act precipitated, and for which it is best known, is not the concern of this study, it must be noted that that struggle forced upon the originators of the Act certain postures in regard to the slavery issue. As a result, the governments of Kansas and Nebraska, originally designed only to enable commercial and economic development for the nation, became the testing ground for the principle of popular sovereignty--the principle which compromised the slavery conflict and procured passage of the bill. The Kansas-Nebraska Act had been produced and sponsored by the Democratic party, and, because of the slavery issue, its application in the Territories had come to be, to the leaders of that party, not only the mechanical means whereby internal developments might be secured through to the Pacific Coast, but also the instrument for the vindication of their own and their party's position in regard to

slavery.

As a result of these factors, the pressures for prompt and effective organization of territorial governments in Nebraska and Kansas were enormous. The federal government sent to these Territories appointed officials whose task it was to bring order from a vacuum and to see to it that that order maintained a mutuality of spirit with the Act. Thus, to Nebraska Territory in the Fall of 1854 came Thomas B. Cuming of Iowa. Appointed Secretary of the Territory, he was to be second in command in securing these national goals in Nebraska.

To Nebraska that same fall came also a considerable number of ordinary United States citizens who saw in the opening of the vast land one more, and perhaps the last in this country, new chance for the creation of great personal wealth from the raw materials of the earth. While other areas of the United States had offered opportunities for individual exploitation in the form of minerals or fertile farm land, Nebraska seemed to the citizen of the mid-nineteenth century to offer great potential profits from the simple fact of its strategic geographic location astride the most likely central railroad route to the Pacific. The personal dream for wealth in Nebraska rested, then, in each man's expectations of obtaining land through, near, or to which the Pacific Railroad would run. Like the popular search for mineral wealth in California, the search for wealth in Nebraska was a gigantic guessing game, depending only on political influence and commercial sagacity for

success instead of geologic knowledge and a strong back. As an exploitative movement, the efforts to secure control of strategic Nebraska land involved elements of the national population as diverse and impassioned as those which in 1849 had rushed west in search of gold.

As the whole nation bore witness to the primacy of the slavery contest in Kansas, so very few centered their awareness on the less immediate but equally profound struggle in Nebraska for control of the land through which the Pacific Railway would run. The passage of the Kansas-Nebraska Act commenced this struggle, but the Act also, by virtue of its very structure, provided the key to the resolution of the struggle. That key was the office of the territorial governor. As an Act enabling the formation of an incipient state government, Kansas-Nebraska granted wide and total authority to the governor in virtually all matters affecting the original structural formation of the territory. It endowed the office with vast power over the establishment of elective procedures, and solidified that power by granting the same officer control of almost all local patronage. The Kansas-Nebraska Act established the territorial governor in a position of autocratic power which required no submission to local pressures, but which was answerable only to bureau agencies in the national capital.

It was this contest for control of territorial land in which Thomas B. Cuming found himself involved, personally, publicly, and totally, when the death of the appointed territorial governor pushed him into the

seat of chief territorial executive. In this position of enormous local power, Thomas Cuming became the man whose official decisions and actions would spell fruition or failure to the hopes of the speculating citizen. The most powerful man in Nebraska, his every attitude, public or private, every characteristic, intellectual or emotional, became important to the outcome of the great sweepstakes. In 1854, then, the formation and future character of Nebraska Territory, the vindication of the principle, if not the letter, of popular sovereignty, and the private fortunes, both present and future, of hundreds of Americans, all came to rest in the person of one twenty-six year old Iowan, Thomas B. Cuming.

The history of the violent contest in Nebraska for control of the prospective location of the eastern terminus of the prospective Pacific railroad has been largely neglected by all but state and local historians. The nature of the contest and the violence of emotion which attended it produced a widespread bias which has become so deeply ingrained in available historical literature on the subject that even now, over one hundred years later, there exists no clear, unimpassioned, definitive study of the forces at work in Nebraska Territory in 1854 shaping both the economic and emotional character of the state by the simple act of locating the site of its first legislative assembly in Omaha. Thomas B. Cuming was responsible for this location and he, too, has remained largely an historical enigma for over one hundred years. Succeeding generations of historians working in the area have passed, almost from

hand to hand, identical literature and opinions on both the man and the act--and these have been accepted as historical fact.

The unpleasant truth is that there exists very little available primary source material bearing on either Cuming or his motives and actions in locating Nebraska's first capital. If previous historians have communicated to one another patterned concepts and evaluations on the subject, it must be attributed as much to this inescapable reality as to the suspicion that they may have been the inheritors of much of the passion and prejudice which the man and the events engendered in 1854. Not only are the official records of the Territory unavailable in Nebraska, but also Thomas Cuming himself, acting undoubtedly in the interests of preserving what little reputation he had left when his gubernatorial administration ended, swept the executive files of the Territory clean of his own papers. These files do contain several papers of some interest, but they consist primarily of innumerable stray scraps on which legislators signed receipts for money earned in the service of the Territory. For the most part the newspapers of the time tend to be as biased and opinionated on the man and the subject as later historians. Indeed, they are probably responsible for much of this historical bias, and their accounts, although extremely useful, must be evaluated with care.

New source material has recently become available, however, and

this, together with the previously mentioned sources, has constituted the basis for the present study. A small collection of Cuming papers in the care of the Joslyn Art Museum, Omaha, Nebraska, has provided the key to a reevaluation of much of the traditional source material, and a study of Cuming's career in Iowa as revealed through his editorial position with The Keokuk Dispatch has provided new insight into his personal character and motivations.

This study, then, will attempt to reevaluate the forces and the man responsible for the vital location of Nebraska's territorial capital in Omaha. Beginning with an examination of Thomas Cuming and his character, it will investigate the national figures and pressures at work upon him and upon the Territory itself, and attempt to integrate these in a discussion of the actual events attending the location.

CHAPTER II

THE BACKGROUND OF THE MAN

Thomas B. Cuming

Thomas Barnes Cuming, Jr.¹ was twenty-six years old when Franklin Pierce appointed him Secretary of the new Territory of Nebraska. About five feet eight inches tall, he was slightly built, weighing perhaps one hundred and thirty pounds. Despite his rather small physical stature, Cuming gave the impression of being compact and sturdy. His face was even-featured with a high forehead. His hair was black and "straight as an Indian's." His eyes were also black, and most often described as "flashing."² Despite the rather dynamic impression which historical accounts present of Cuming, his eyes conveyed also a quality of gentleness and thoughtfulness, which is, to some extent, substantiated by his personal writings. In general, Cuming, when he became

¹ There has been some inconsistency in the matter of Cuming's middle name. The name used here is that which is entered on his Commission, dated Apr. 17 1848, as Second Lieutenant in the United States Army. Original Commission, Charles W. Hamilton Collection, Omaha.

² J. Sterling Morton and Albert Watkins, Illustrated History of Nebraska (Lincoln: Jacob North and Co., 1907), I, p. 172.

Secretary of Nebraska, can be said to have been young, energetic, and rather handsome.

Early Years

Thomas Cuming was born on December 25, 1827, in Rochester, Genessee County, New York.³ His father, Francis H. Cuming, was an Episcopal clergyman in that city. His mother, Caroline A. Hulbert Cuming, died the day after Cuming's birth, and the child, following the custom of the time, was immediately sent to be brought up in the home of an uncle, a Reverend Penny.⁴ Penny was a Presbyterian minister, and it is not known how long Cuming remained with this family. In time, however, Cuming's father remarried and moved to Grand Rapids, Michigan. The boy then returned to his father's home, and was prepared for college by that gentleman, who instilled in him a rather substantial training in religious philosophy and classical languages.

Cuming entered the University of Michigan and graduated with honors and distinction in that institution's first senior class. His career at the University was marked by a considerable amount of mischief, but he was active also in sports and attained high academic standing in

³ James W. Savage and John T. Bell, History of the City of Omaha (New York: Munsell and Co., 1894), p. 537. *Says 1828. Grave marker says 1827, in Holy Sepulchre Cemetery, Omaha. Some historians say 1822 or 3.*

⁴ James Mills Woolworth, "Eulogy for Thomas B. Cuming," Transactions and Reports of the Nebraska State Historical Society, IV (1892), p. 80.

the fields of classical studies and literature.⁵ At sixteen, he was the youngest member of his graduating class, and received the honor of delivering the Greek Oration at that ceremony.⁶ Following his graduation, Cuming was employed as a geologist on an expedition surveying the mineral resources of the region around Lake Superior.⁷

Upon the outbreak of the Mexican War, Cuming enlisted in the First Regiment of Michigan Volunteers on November 19, 1847,⁸ and attained the rank of Sergeant.⁹ On March 31, 1848, he was commissioned a Second Lieutenant in the Fifteenth Regiment of the United States Infantry.^{10?} Although he served in Mexico, he was never engaged in any of the actual battles of the Mexican War. At its close he returned to his home, a young man ready to seek occupation and opportunity.

Telegraphy in Iowa

The California Gold Rush of 1849 was responsible for Cuming's departure from Michigan. Heading west for fortune, he got no farther than St. Louis, where a friend suggested a career in the new and burgeoning

⁵ Ibid., p. 81.

⁶ Savage and Bell, loc. cit.

⁷ Woolworth, loc. cit.

⁸ Fred W. Curtenius, Captain, First Regiment of Michigan Volunteers, Kalamazoo, Michigan, 10 Oct. 1848, Certificate, Thomas B. Cuming MSS., Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

⁹ Department of the Interior, Bureau of Pensions, original Widow's Pension Certificate #10,055, Charles W. Hamilton Collection, Omaha.

business of telegraphy.¹¹ Cuming settled down to master the technique of the magic communication, and succeeded in doing so in less than a month.¹²

Telegraph lines were being built with great gusto in the region around the Mississippi River during the years just after the Mexican War. Particularly active in the area of western Illinois was Henry O'Reilly, a New York newspaperman and telegraph promoter. His Illinois River Valley Line ran out of St. Louis north to Beardstown, Illinois, proceeded to Quincy and Warsaw, where it crossed the Mississippi River to Churchville [Alexandria], Missouri, and then swung north across the Des Moines River to Keokuk, Iowa.¹³ This was the first telegraph line to enter Iowa, and it began operation in the summer of 1848.¹⁴

Cuming went to work for this company, or its successor, the Illinois and Mississippi Telegraph Company, in Keokuk as soon as he had mastered the mechanics of the business.¹⁵ His position was that of

¹¹ Savage and Bell, op. cit., p. 538.

¹² Arthur C. Wakeley, ed., Omaha: The Gate City and Douglas County, Nebraska (Chicago: The S. J. Clarke Publishing Co., 1917), I, p. 93.

¹³ William J. Peterson, The Story of Iowa (New York: Lewis Historical Publishing Co., 1952), II, p. 608.

¹⁴ Ibid.

¹⁵ It is difficult to identify precisely the firm that employed Cuming, largely because it is not possible to isolate the time of his arrival in Keokuk. The O'Reilly Line was the only one built in Keokuk

local agent for Keokuk,¹⁶ and, in this connection he not only saw to the maintenance of the line,¹⁷ but also to the promotion of proposed extensions of it.¹⁸ In the latter capacity, Cuming was drawn into close association with many Iowans of local prestige and commercial importance.¹⁹ In general his life was filled with zincs, reels of wire, Committees of Telegraphy for local promotion, company subsidies from hopeful towns, and truculent operators in offices up and down the line.

Although the telegraph business in early Iowa seems to have had as much of the elements of intrigue, profit and disaster as the average

during the period in question, but, in 1850, Cuming spoke of the Keokuk telegraph line as belonging to the Illinois and Mississippi Company. Its route was identical to that of the early O'Reilly line. O'Reilly was a telegraph promoter, above a telegraph operator, and an explanation of the inconsistency may rest in a possible sale of the original line, after construction, to an operating company. The Keokuk (Iowa) Dispatch, 22 Oct. 1850.

¹⁶ Savage and Bell, loc. cit.

¹⁷ Maintenance of the line across the Mississippi was a source of constant expense and frustration. The wires were suspended on masts above the river, and not only did ice, wind, and rain often break them, but the masts themselves often collapsed. Vanchoate, Hannibal, Missouri, 7 Mar. 1851 and 14 Mar. 1851, letters to Thomas B. Cuming, Keokuk, Iowa, Thomas B. Cuming MSS., Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

¹⁸ Telegraph lines, like railroads, were often constructed with the financial aid of the citizens and cities the lines would serve.

¹⁹ J. D. Spalding, Fort Madison, Iowa, 11 Jan. 1851, and William Leslie, Fort Madison, Iowa, 8 Mar. 1851, letters to Thomas B. Cuming, Keokuk, Iowa, Thomas B. Cuming MSS., Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

man might wish, it was not enough for Thomas B. Cuming. In later years, he credited his departure from the industry to inadequate financial reward,²⁰ but a more believable conclusion to be drawn from his correspondence is that he found the routine details of commercial enterprise dull, and the work confining and of little challenge. He was stimulated only by the intrigue and competition of line promotion, and his literary instincts found no outlet save the writing of letters and anonymous articles for the local press.

Keokuk Editor

Sometime prior to June 25, 1850, Thomas Cuming began sending unsigned articles for publication to the The Keokuk Dispatch, the Democratic weekly in the city. A gifted writer since his youth and deeply interested in political and philosophic matters, the articles were sufficiently eloquent to cause considerable comment and curiosity in the little town. After several had appeared, the efforts of Reuben L. Doyle, the owner of the Dispatch, uncovered the identity of the author. Cuming was promptly engaged as managing editor of the paper,²² and continued in this capacity until his appointment as Secretary of Nebraska Territory in 1854.

²⁰ Woolworth, op. cit., p. 82.

²¹ C. F. Johnson, St. Louis, Missouri, 26 Mar. 1851, letter to Thomas B. Cuming, Keokuk, Iowa, Thomas B. Cuming MSS., Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

²² Woolworth, op. cit., p. 83.

For a time during the early years of his editorial career, Cuming managed to hold down both his new job as newspaper editor and his old job as telegraph agent, but on April 15, 1851, he terminated whatever association he had with the telegraph company, and became a full-time editor.²³ Less than six months later, he purchased an interest in the paper.²⁴

Mid-nineteenth century western newspapers were dedicated, for the most part, to the twin gods of politics and promotion. In these they reflected the primary concerns of their readers with economic growth for their local regions and with partisan political issues. While Thomas B. Cuming was its editor, The Keokuk Dispatch was no exception. Nevertheless, even a superficial comparison of Cuming's paper with others of its time and place, gives a clear indication of the talents, taste, and character of the man who got it out. Even, or perhaps especially, among nineteenth century Iowa newspapers, the Dispatch was exceptional during these years for its artful, uncluttered make-up, for its extremely small but neat and legible type--for a physical appearance which gave to it an air of quiet, serious purpose and middle-class tastefulness.

Beyond this, however, the Dispatch was even more distinguished

²³ The Keokuk (Iowa) Dispatch, 15 Apr. 1851.

²⁴ Ibid., 30 Sept. 1851.

for its content. At a time when most newspapers filled two out of three pages with material copied from other newspapers or magazines, with poems and love stories written for the most part by literate local ladies, the Dispatch filled its tightly printed pages almost exclusively with original material. This material covered a wide range of subject matter including, of course, Democratic politics and local internal improvements such as plank roads, railroads, telegraph lines and river improvement. In addition, however, Cuming found time and interest to compose fascinating discourses on how to grow strawberries in Iowa, against secret societies at Universities, on hard money and banks, on washing butter, on the causes of death and the nature of love, on the basic and unequal contest between capital and labor, and the reflection of this contest in political parties, their goals and principles. During the time of Cuming's editorship, the Dispatch carried scarcely one item about the local weather, and less than that about local gossip; it refrained as much from publicly dunning subscribers and advertisers for payment (a chronic nineteenth century newspaper problem), as it did from calling political opponents unpleasant names (a chronic nineteenth century political tactic). In all, it was an admirable production, extreme in its literacy and intelligence and zealous in its politics and promotion. In an elegantly written article published at the time of his re-assumption of editorial charge of the paper after a two months' absence, Cuming stated his own and the newspaper's credo: "It will be our aim

to make this a journal which shall be reliable and faithful as a news paper and acceptable to the family circle; devoted to the diffusion of intelligence, and to the defense of the moral principles which lie at the basis of social welfare. In our political character we shall be single and steadfast to the cardinal principles of the Democratic faith as taught and administered by its great expounders, Jefferson and Jackson. . . . Aware that our best efforts will fail to satisfy our wishes . . . , "Cuming pledged himself and the paper to an independent course free of the influence of vested interest, and making ". . . few promises other than that of a sincere devotion to the enterprise."²⁵

Cuming, as an editor, never lacked "devotion to the enterprise," and in no area was this more apparent than in the matter of internal improvements. All western cities and towns in the mid-nineteenth century were primarily concerned with such improvements as the means whereby they might come to dominate the economy of the region in which they lay. The result of this domination was, of course, ultimately translated to the individual citizen in terms of increased value of personal property and increased activity in business enterprise.

Keokuk occupied a geographic position which made it seem to some of her citizens that she must necessarily become the center of commercial and communication arteries for a vast region. Her location on the

²⁵ Ibid., 25 Feb. 1851.

Mississippi River below the Des Moines Rapids, above which heavy river freight could not pass except in times of high water, and then only with some risk, made it perfectly apparent to her early citizens that she was destined to become a great river freight terminal, dedicated to the unloading and storage of goods for the terrestrial leg of the further upriver journey. Then, too, pending improvements in the channel of the Des Moines River which entered the Mississippi just south of the town, and the construction of some good land roads, she seemed also destined to become the center for the unloading and reshipment of all goods from and for the entire region of central and western Iowa, to which the Des Moines River was the primary avenue of water transportation.

In a word, Keokuk regarded herself as the natural freight terminus for all of Iowa and the country to the north and west, and Cuming shared this conviction during his early years as editor of the Dispatch. In issue after issue, he discussed the construction and financing of plank roads, particularly those which would reach north to Fort Madison and Burlington, and west to Fort Des Moines. He never failed to take notice of every plan to improve navigation on the Des Moines River, and urged its undertaking with consistency. When upriver Iowa cities proposed the construction of a canal to circumnavigate the Des Moines Rapids on the Mississippi, the Dispatch greeted the plan with little enthusiasm.

The railroad age was dawning, however, and the implication of

steel rails which might be laid anywhere to the importance of river freight traffic was not lost on Cuming. In July, 1850, the Dispatch printed its first item concerning a local railroad--a land grant line proposed by Senator George W. Jones²⁶ of Iowa to run across the state

²⁶ George Wallace Jones, 1804-1896, was born in Vincennes, Indiana, and purchased land at Sinsinawa Mound, near Dubuque, Iowa, in 1827. Active in politics in Wisconsin Territory, Jones was instrumental in obtaining territorial status for Iowa. He moved to Iowa between 1838 and 1840, and in 1848 became one of Iowa's first United States Senators. A lifelong Democrat, Jones was also southern in sympathies, having attended college with Jefferson Davis. Throughout his Senatorial career he stood with the South, opposing the Wilmot Proviso, favoring the compromise of 1850 and popular sovereignty, the Kansas-Nebraska Act (he was a member of Stephen A. Douglas' Committee on Territories which reported the bill), and the admission of Kansas under the Lecompton Constitution. His personal interests included lead mining and land and commercial ventures in Dubuque. As a result Jones was an ardent promoter of railroads. He early saw the importance of a railroad connection between Iowa and Lake Michigan, and, in 1850, procured an amendment to the Illinois Central Bill which brought that line's western terminus to Dubuque, instead of Galena, Illinois. Throughout his Senatorial career Jones worked hard for railroads across Iowa with the transcontinental route in mind. All of these had at least one terminus in Dubuque. Beyond this local interest, however, Jones seems not to have been much concerned with other Iowa cities to be located on the routes. The 1850 bill referred to in the text had originally been introduced by Jones in 1849 as a bill for a road from Dubuque to Keokuk. In 1850 he worked with Iowa's other Senator, Augustus C. Dodge, and the two brought out this combined and more ambitious bill. Jones was swept out of office in 1858 as a result of the drastic change in Iowa's political climate which followed the Kansas-Nebraska Act and the events in bloody Kansas. Allen Johnson and Dumas Malone, Dictionary of American Biography (New York: Charles Scribner's Sons, 1930), X, pp. 172-173; John C. Parish, George Wallace Jones, Iowa Biographical Series, ed. Benjamin F. Shambaugh (Iowa City: The State Historical Society of Iowa, 1912), pp. 36-49; Louis Pelzer, "The History and Principles of the Democratic Party of Iowa, 1846-1857," The Iowa Journal of History and Politics, VI, (1908), pp. 194-195; Lucius H. Langworthy, "Dubuque: Its History, Mines, Indian Legends, etc.," The Iowa Journal of History and Politics, VIII, (1910),

to the Missouri River, and having eastern terminal branches in Dubuque, Keokuk and Davenport.²⁷ It must have been readily apparent to Cuming that, while Keokuk had a kind of geographic stranglehold on water transportation, no such physical forces operated to her advantage in the matter of railroads. Railroads could go anywhere, and Keokuk might well be left behind if she did not bestir herself to support and secure a line. Succeeding issues of the Dispatch indicate Cuming's awareness of this basic reality: increasingly he pumped for railroad schemes, while less and less space was devoted to plank roads and Des Moines River improvement matters.

In May of 1851 Cuming obtained plans and estimates for bridging the Mississippi River at Keokuk from Samuel R. Curtis,²⁸ a Keokuk engineer then in St. Louis building that city's sewers. Curtis, naturally, endorsed Keokuk as the best location for such a bridge, and Cuming opened his guns on the city's citizens. In an editorial on May 27, 1851, Cuming fanned the flames of fear by pointing out that, "The age will not

pp. 403-404; Louis Pelzer, "The Negro and Slavery in Early Iowa," The Iowa Journal of History and Politics, II (1904), p. 475.

²⁷ The Keokuk (Iowa) Dispatch, 2 July 1850.

²⁸ Samuel R. Curtis, St. Louis, Missouri, 10 May 1851, letter to Thomas B. Cuming, Keokuk, Iowa, Thomas B. Cuming MSS., Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

wait for us."²⁹ He spoke of the city's natural advantages for river transportation and of its excellent location as a point for bridging the Mississippi, but stated that the town was not well known, had little capital, and that because of this, opportunity might pass her by.

". . . with all our natural advantages we may be circumvented and walled in, in our 'pride of place' . . ."³⁰ Keokuk citizens, however, apparently felt secure in their strategic river site, for, despite Cuming's blandishments and threats during the ensuing years, they failed to press their interest in a railroad, failed to subscribe stock in branch roads,³¹ and failed to match the aggressive spirit of Dubuque and Davenport in promoting railroad plans.³²

Nevertheless, every railroad proposed or dreamed of found space in the Dispatch; as early as 1851 the paper examined proposals for routes across Iowa, all of which seemed to terminate at Council Bluffs,³³ and, by 1853 when the Gwin Bill was introduced in Congress to provide for a true transcontinental road, the interest of the editor of the Dispatch approached frenzy.³⁴ But Keokuk remained unmoved by his entreaties, and Cuming became dispirited by their lack of vision. In May, 1853, his

²⁹ The Keokuk (Iowa) Dispatch, 27 May 1851.

³⁰ Ibid.

³¹ Ibid., 24 May 1853.

³² Ibid., 7 Oct. 1851.

³³ Ibid.

³⁴ Ibid., 18 Jan. 1853.

paper noted with some bitterness the appearance of Barnum's Museum and Floating Menagerie in the city, and reflected on the municipal improvements which might have been purchased with the money that entertainment took from the community.³⁵

Mid-nineteenth century newspapers were as devoted to partisan politics as they were to internal improvements, and the Dispatch was remarkable here only in the extremity of its party loyalty. Thomas Cuming had pledged his paper to the Democratic party and its faith, and he let no opportunity to fulfill that pledge go by. From the outset, in 1850, the paper was full of political articles on both local and national matters. Cuming printed the full text of state and national bills, not only those which had a local interest, such as railroad bills, but also those which had a wider meaning, such as the Compromise of 1850.³⁶ In addition, he printed the full text of debates, and complete records of legislative voting, both actual and estimated.³⁷ Every question in politics and government was fully examined in the pages of the Dispatch.

If the issues of the day found ample space in the Dispatch so did the men who made and resolved them. Cuming lent the voice of his paper to any Democrat, but especially to Iowa's congressional delegation. The paper was in communication with Senator George W. Jones as

³⁵ Ibid., 24 May 1853.

³⁶ Ibid., 9 July 1850.

³⁷ Ibid., 25 June 1850.

early as May, 1850,³⁸ and, from that time, took notice of every bill he introduced or supported in the Senate, printed any letter he wrote to explain or justify positions he had taken, and buttressed the whole with editorial endorsements of his policies and qualifications.³⁹ The same editorial courtesies were extended to Iowa's other Senator, Augustus C. Dodge,⁴⁰ and, by 1851, Cuming was in close personal communication with

³⁸ George W. Jones, Washington, 16 May 1850, letter to R. L. Doyle, Keokuk, Iowa, Thomas B. Cuming MSS., Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

³⁹ The Keokuk (Iowa) Dispatch, 2 July 1850; 9 July 1850; 31 Aug. 1852.

⁴⁰ Augustus Caesar Dodge (1812-1883) had been born in Missouri and had settled in Burlington, Iowa, some time prior to 1838. He served six years as Iowa's territorial Delegate to Congress, and, with the admission of Iowa to statehood in 1848, became one of her first Senators. Dodge, like most of the Iowans of these early days, was a Democrat with southern sympathies. He opposed the Wilmot Proviso and abolition, supported the Compromise of 1850, and the principle of popular sovereignty. He shared with George W. Jones personal financial interests in lead mines, but he was less dedicated to purely local interests than that gentleman. Dodge was chiefly a westerner, interested in broadly based internal improvements, and in land for homesteading. It was this interest in western development which was responsible for his introduction of the original Kansas-Nebraska bill on December 14, 1853. As Chairman of the Senate Committee on Public Lands, he worked hand in hand with Stephen A. Douglas to secure passage of the bill, and he was one of the first to feel the aroused anger of the public after its passage. In 1855 he failed to be returned to the Senate by the Iowa Legislature, and never again held public office in Iowa.

A greater statesman than Jones (he, like Douglas, envisioned the United States as a continental nation), Dodge was not so adept at or interested in securing local political favors, mending local political fences or securing personal profit from political privilege. A "stainless" man, he died poor. Johnson and Malone, op. cit., V, p. 344.

both men.⁴¹ Bernhart Henn,⁴² Iowa's single member of the House of Representatives, was less active on the national scene than her Senators, and consequently found less use for the services of the Dispatch, but he, too, commanded them at will, and Cuming was in confidential correspondence with him as early as 1851.⁴³

Pelzer, "The History and Principles of the Democratic Party of Iowa, 1846-1857," pp. 193-194, 207, 212; Pelzer, "The Negro and Slavery in Early Iowa," pp. 475, 477; Charles Roll, "Political Trends in Iowa History," The Iowa Journal of History and Politics, XXVI (1928), pp. 499-501; Kenneth W. Colgrove, "The Delegates to Congress from the Territory of Iowa," The Iowa Journal of History and Politics, VII (1909), p. 249.

⁴¹ The Keokuk (Iowa) Dispatch, 25 Feb. 1851.

⁴² Bernhart Henn was born in New York and removed to Burlington, Iowa, in 1839 where he was actively connected with the Burlington Territorial Gazette. In 1844 he purchased large land holdings in Fairfield, Iowa, and from that time expanded his financial interests throughout the state. He served two terms in Congress as Iowa's Representative, being first elected in 1850. Henn, although an orthodox Democrat, was primarily interested in his own personal well-being. In this vein he actively supported all Iowa internal improvement schemes, particularly railroads. In Congress he championed the Kansas-Nebraska bill, emphasizing, particularly, the commercial importance of territorial organization. Henn promptly translated the passage of Kansas-Nebraska into action in his own behalf. In 1854, he organized the Council Bluffs banking firm of Henn, Williams and Hooten, dealers in land and exchange, and, in the same year, became a member of the Council Bluffs syndicate known as the Council Bluffs and Nebraska Ferry Company. Like all Iowa Democrats, Henn was swept out of office by the tide of public reaction to Kansas-Nebraska in 1854. Johnson Brigham, Iowa, Its History and Its Foremost Citizens (Chicago: S.J. Clarke Publishing Co., 1915), I, pp. 166, 233; Pelzer, "The History and Principles of the Democratic Party of Iowa," p. 208.

⁴³ Bernhart Henn, Fairfield, Iowa, 21 May 1851, letter to Thomas B. Cuming, Keokuk, Iowa, Thomas B. Cuming MSS., Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

Notable among the lesser luminaries of the Democracy to whom Cuming extended the press agency of his paper was Thomas H. Benton, Jr.,⁴⁴ the nephew of the great Missourian. In the spring of 1851 Benton was engaged in a heated election contest with William Q. Woodward for the position of State Superintendent of Public Instruction. Throughout the campaign, Cuming was in close correspondence with Benton, and the paper reflected this in articles written by Benton himself, in items lauding his previous incumbency and impugning the integrity of his opponent. The campaign was a heated one, marked with considerable venom, and Benton's election was greatly aided by the efforts of Thomas Cuming and his newspaper.⁴⁵

During the periods of campaigns for general state or national elections, Cuming virtually turned his newspaper over to Democratic candidates. At these times, the masthead carried a full listing of all candidates for office, from President of the United States to County Commissioner.⁴⁶ As election day approached, the paper worked itself up

⁴⁴ Pelzer, "The History and Principles of the Democratic Party of Iowa, 1846-1857," pp. 195-196; The Council Bluffs (Iowa) Bugle, 4 Aug. 1857.

⁴⁵ The Keokuk (Iowa) Dispatch, 4 Mar. 1851; Thomas H. Benton, Jr., Iowa City, Iowa, 18 Apr. 1851; 30 Apr. 1851; 6 May 1851; 28 May 1851, letters to Thomas B. Cuming, Keokuk, Iowa, Thomas B. Cuming MSS., Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

⁴⁶ The Keokuk (Iowa) Dispatch, 25 June 1850; 31 Aug. 1852.

into a veritable frenzy, urging voters to vote the straight Democratic ticket, to vote early, and to be watchful for election-day frauds sure to be perpetrated by the opposition.⁴⁷ The voice of The Keokuk Dispatch spoke loudly, clearly and without reservation for the Democratic party in southeastern Iowa.

Democratic Politician

In the light of his interest and his opportunity, it cannot be surprising that Thomas Cuming himself soon became involved in politics on a personal, as well as editorial, level. Although he never ran for an elective office, he was active in Democratic party circles as early as 1851, when he served as a delegate from Jackson township to the Democratic County Convention. At that convention, he was elected to the county Central Committee, and also served as Secretary of the convention itself.⁴⁸

In December, 1852, and January, 1853, he attended the sessions of the Iowa State Assembly in Iowa City as a kind of foreign correspondent for the Dispatch. Cuming did not, however, attend the sessions at Iowa City only as an observer and reporter, for on January 12, 1853, the Dispatch was elected to serve as State Printer, an extremely lucrative political plum. This reward for services rendered was not easily

⁴⁷ Ibid., 30 July 1850; 2 Nov. 1852.

⁴⁸ Ibid., 1 July 1851.

achieved, for three ballots were needed to secure the Dispatch's selection, and, afterwards, Cuming's enemies succeeded in having the appropriation for the printing lowered. It was a somewhat hollow victory.⁴⁹ Other reports from Cuming in Iowa City indicate that he was also much concerned with lobbying for the reelection of George W. Jones to the United States Senate, which was successfully accomplished.⁵⁰

Throughout the two months he spent at the Assembly, Cuming's articles for the Dispatch displayed an innate enjoyment of politics and political maneuvering. His mind had a seemingly endless capacity for legislative detail, as well as an acute comprehension of political pressures and tactics. Cuming not only enjoyed, but also gained much knowledge from his first experience in the arena of active, practicing politics.⁵¹

While Thomas Cuming was thus growing in editorial and political skills and achievements, his personal life and endowments were also being advanced. He polished his already considerable literary and rhetorical accomplishments by speaking at every opportunity, and he was an especial favorite for Fourth of July orations.⁵² On November 20, 1852, he was

⁴⁹ Ibid., 18 Jan. 1853; 25 Jan. 1853; 1 Feb. 1853.

⁵⁰ Ibid., 25 Jan. 1853.

⁵¹ Ibid., 4 Jan. 1853.

⁵² Ibid., 9 July 1850; Thomas B. Cuming, "An Oration on the 77th Anniversary of American Independence, July 4, 1853," J. Sterling Morton Pamphlet Collection, Vol. 66, #15, Nebraska State Historical Society, Lincoln.

admitted to the bar in Fort Madison District Court,⁵³ and on December 6, 1853, he married Margaretta Carleton Murphy in Keokuk.⁵⁴ Although his bride was a Roman Catholic, Cuming remained active in St. John's Episcopal Church in Keokuk, serving as one of its vestrymen during the early months of 1854.

Attitudes and Character in 1853

It can perhaps be truthfully said that Thomas Cuming's real education was obtained in Keokuk, Iowa. His varied career there had been crowned with some successes, none of them spectacular, and many of them dearly bought in terms of his own sensitivities. Cuming had arrived in Keokuk an aggressive young man, come west to find certain fortune and fame, full of optimism and idealism. The harsh realities of life in Keokuk stripped away much of the outer-oriented qualities of the man and destroyed much of his youthful idealism, while, at the same time, they provided him with practical training in the skilled techniques of acquisition for self and political advancement. Essentially, Cuming's Keokuk experiences ate away his intellectual concerns for other people and other interests, and left him with only the hard core of his own driving personal ambitions for power and wealth.

⁵³ The Keokuk (Iowa) Dispatch, 20 Nov. 1852.

⁵⁴ Woolworth, op. cit., p. 82.

As early as 1851 it had become clear to Cuming that Keokuk would be by-passed by power and profit. The disinclination of its citizens to aggressively pursue and obtain a rail line is abundantly reflected in the columns of the Dispatch, and Cuming's personal evaluation of the critical qualities of this inertia was buttressed, over the years, not only by the actual events of railroad building in the rest of Iowa, but also by the opinions of political friends intimately concerned with the future of Iowa and its railroads. In May, 1851, Bernhart Henn wrote to Cuming at some length regarding local railroad matters, stating the interest of the citizens of Mt. Pleasant, Fairfield and Dubuque in railroads, and their displeasure with Keokuk for failing to take an active role in promoting lines. Henn stated unequivocally that, "The only way for Keokuk to keep pace with the Country, is for her citizens to act in a way worthy of a point which has received such unbounded liberality at the hand of nature."⁵⁵

Over the period of the next two years Cuming bent every editorial effort at his command to prod Keokuk from her imagined security of location at the head of navigation of one great river and the mouth of another. Not only did Cuming's efforts fail to galvanize Keokuk, but

⁵⁵ Bernhart Henn, Fairfield, Iowa, 21 May 1851, letter to Thomas B. Cuming, Keokuk, Iowa, Thomas B. Cuming, MSS., Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

they were often met with some resistance and resentment. In 1853 Cuming wrote of the trials of the journalist who attempted to ". . . animate his fellows . . ." He concluded that such an editor must " . . . go onward in the midst of false friendships, and bitter enmities, and the weapons of scandal, jealousy, and traduction, jostling indolence, disconcerting knavery, foiling villainy, awakening competition, and yet retaining his self possession, nor turning aside to punish every cur that may bark at him."⁵⁶

In the same issue Cuming noted that the telegraph connection at Keokuk was for sale, and voiced his suspicion that it would be removed.⁵⁷ This had been his first enterprise in the city, and one which was essential to the continued effectiveness of his second--the newspaper. If the telegraph line was in trouble, he was in trouble; if the railroad failed to come to Keokuk, the whole town was doomed to a marginal existence--clearly the fortune of Thomas B. Cuming would not be made in Keokuk, Iowa.

During the years of 1852 and 1853 Cuming had turned more and more to the field of politics for personal satisfaction. He had spared no effort or space in his newspaper to advance the cause of the party

⁵⁶ The Keokuk (Iowa) Dispatch, 15 Feb. 1853.

⁵⁷ Ibid.

and the leaders in which he believed. Yet his rewards had, when balanced against the service rendered, been modest. He had attained membership in the party hierarchy only on a county level, and the pecuniary reward of the public printing given the Dispatch in 1853 had been obtained only after an intense struggle, and at a reduced remuneration. Cuming had been warned, in 1851, by an editorial colleague in Michigan that, "Politics are a cursed humbug and political papers, political whores, that must pander to every known vice . . ." ⁵⁸ Within six weeks after he received this letter Cuming reflected the same spirit of disenchantment in his editorial columns, quietly complaining that whenever he took a stand, it always gave offense to someone, which they made a point of remembering, while those whom he praised managed soon to forget. ⁵⁹ By 1852, in the midst of his struggles for Jones and the public printing at Iowa City, his disillusionment with politics and the human relations they represented was complete. In a moment of candour he wrote the Dispatch some very agreeable personal observations on women and love, but concluded on a note of cynicism,

Then adieu to this, and once more into the freight car of the parti-colored world. What business has a "looker on" upon legislators and politicians to talk of the women and fancy and

⁵⁸ William W. Phelps, Pontiac, Michigan, 1 May 1851, letter to Thomas B. Cuming, Keokuk, Iowa, Thomas B. Cuming MSS., Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

⁵⁹ The Keokuk (Iowa) Dispatch, 10 June 1851.

purity and such like. Faith, it's not his vocation
 He should go with the current, heave the lead, and give soundings. Did I say current? Not so. There is no current. The other waters of life may flow tranquilly or obey the seasons. The political sea is a slush-pool, and the devil is the washwoman. There will be new customers to be soaped, immersed, hung up, and immersed again, until the day of judgment.⁶⁰

By the end of 1853 Cuming viewed his prospects in Keokuk dimly. In his four or five years there he had gained a wife, a part interest in a newspaper, and the debt of a few politicians--if they cared to remember it. Men of the middle of the nineteenth century believed wealth and fame should come more quickly than this, and Thomas Cuming was young and impatient. There can be no doubt that in 1853 he had an eye out for a new main chance.

⁶⁰ Ibid., 11 Jan. 1853.

CHAPTER III

THE APPOINTMENT AS SECRETARY OF NEBRASKA TERRITORY

Early interest in the Territory

The precise time at which Nebraska first stirred the ambitions of Thomas Cuming cannot, of course, be pinpointed. His avid interest in railroads must have made him aware of the Missouri River region as early as 1850, when Senators Dodge and Jones introduced their combined Iowa railroad bill to construct a line to the Missouri with eastern branches to Dubuque, Keokuk, and Burlington. In 1851 Cuming published his first description of the area, which indicated both the nature of his interest in it, and the unreliability of his informant.

We have been much in the dark heretofore as to the character and resources of this important part of our State. That there are handsome town sites and vast bodies of farming lands for hundreds of miles along the river is well known, but it has been thought too distant, as it were, to deserve a systematic filling up by the better class of emigrants. From all accounts, however, there will be a heavy emigration of a substantial character this fall and next spring. The Mormons are fast leaving for Salt Lake, and their improvements will be sold cheap; and . . . we have good information that the preemptions are well dispersed over the country, and that immense tracts of the most eligible lands are without a tenant or a claimant. The only real detriment to the value of the river bottoms, is the character of the snagged, impetuous and shallow Missouri. This objection is obviated, however, by the certainty that the system of internal improvements must inevitably, and before many years, be extended

to the western border.¹

Cuming concluded this roseate item with a description of the area given him by his traveling friend, which included the astonishing statement that that gentleman had seen a ferryman pull his yawl across the Missouri at Council Bluffs with fifty-seven strokes of his oars; and with the reassurance to his readers that the entire trade of this great area would without a doubt come down the Des Moines River to Keokuk because of the difficulty of navigation on the Missouri.² Cuming was an Iowan, and, in 1851, he viewed the Missouri area without a thought for the vast lands of the Indian beyond it. The Missouri River country was western Iowa, and Cuming was still hopeful for Keokuk.

Perhaps the real inception of Cuming's serious interest in Nebraska took place in 1853 while he was in Iowa City attending the legislative sessions. On January 4, 1853, the Dispatch carried a communication from Cuming, "Some information about the Missouri river country was elicited this morning in a brief debate between Messrs. Johnson and Hepner upon a bill to change the name of Kaneshville to 'Council Bluffs City'."³ The bill was defeated, but the mere fact that Cuming troubled to report such a minute legislative action indicates

¹ The Keokuk (Iowa) Dispatch, 16 Sept. 1851.

² Ibid.

³ Ibid., 4 Jan. 1853.

some degree of interest on his part in the region. More important, the Johnson referred to was none other than Hadley D. Johnson, one of the earliest promoters of Council Bluffs, who had been elected to the Iowa State Senate in 1852.⁴ It was this same Johnson who later, in 1853, was elected an unofficial Delegate to Congress by the citizens of Council Bluffs voting in Nebraska at Sarpy's trading post. In this capacity he traveled to Washington the following winter to urge territorial organization for Nebraska. Johnson had moved to Council Bluffs in 1851, and was an ardent advocate of the Pacific railroad.⁵ In the two months that Thomas Cuming was in Iowa City in 1853, he would have had ample opportunity to learn from Johnson all of the prospects and dreams of Council Bluffs for Nebraska.

Notwithstanding these opportunities, however, when Cuming returned to Keokuk from Iowa City he launched no crusade for territorial organization of the Indian Country, and only mentioned in passing, and without comment, the introduction in Congress of one of the early bills to secure that end.⁶

⁴ Edward H. Stiles, Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa (Des Moines: The Homestead Publishing Co., 1917), p. 895.

⁵ Ibid. It should not go unnoticed that the "Hepner" engaged on the other end of this legislative discussion was George Hepner of Fort Des Moines. Cuming would meet Hepner again, in Bellevue, Nebraska Territory, in 1854, and this evidence of their previous acquaintance has significance for that later meeting.

The Appointment

A rather disconcertingly consistent gap in all records occurs at this rather critical juncture in the life of Thomas B. Cuming, and the historian is left to wonder over the attitudes of Cuming toward the organization of Nebraska, over his comments on the Kansas-Nebraska Bill, and over the surely gargantuan efforts he must have expended to obtain the appointment as Secretary of Nebraska Territory. That appointment he received from President Franklin Pierce sometime during the summer of 1854, and he took the oath of his new office in Washington on August 3, 1854 before an associate justice of the Supreme Court of the United States.⁷

Securing the Appointment--Pierce and Patronage

While the position of Territorial Secretary was one which was dispensed at the pleasure of the President, there is basis for reasonable doubt that Pierce had any active part in the appointment of Cuming. Early in his administration, Pierce had found the patronage problem to be monumental, and he had evolved a kind of system for disposing of the various jobs. This system, he hoped, would not only provide an efficient and honest public service, but also please loyal Democrats. In

⁶ The Keokuk (Iowa) Dispatch, 22 Feb. 1853.

⁷ David M. Johnston, "Nebraska in the Fifties," Publications of the Nebraska State Historical Society, XIX (1919), p. 186, (note).

the matter of important appointments, Pierce met with his full Cabinet to consider candidates. In these sessions they weighed letters of recommendation, the importance and standing of the writers of these letters, the qualifications of the various candidates, and the political requirements of distribution by state and satisfaction to Congress. By and large, friendship and intimacy with Pierce was no certain avenue to federal appointment.⁸

Securing the Appointment--The Iowa Influences

The sheer bulk of Federal appointments to be made frequently required Pierce to abandon his system of determining who should get what. As a general rule, he left all minor appointments to the department heads or cabinet officers concerned, and upheld their selections.⁹ In many cases the recommendations of senators, representatives, or local leaders were accepted without much question. Pierce is quoted as having invited the senators from Iowa, Jones and Dodge, and her lone Democratic representative, Henn, to tell him whom they "wished removed and whom appointed in Iowa".¹⁰ So it would seem, that Cuming's Iowa friends in Congress were accustomed to making recommendations for appointments

⁸ Roy Franklin Nichols, Franklin Pierce (Philadelphia: University of Pennsylvania Press, 1931), pp. 251-252.

⁹ Ibid.

¹⁰ Ibid., p. 251.

which affected their state or interests, and these recommendations were tantamount to appointment.

There can be little doubt that Jones, Dodge, and Henn would all have been inclined to look with favor on Cuming's solicitations of them for aid in obtaining the appointment. Cuming and his newspaper had served them all, often and well. During his days as editor of the Dispatch, Cuming had not only virtually turned over his presses to them for the expression and justification of their political views, but he had also materially aided them during campaigns for elections through his editorial endorsement and party activities. Moreover, Cuming knew them all personally, and was in frequent, and sometimes confidential, correspondence with them.¹¹

Augustus Dodge had demonstrated his willingness to aid Cuming in 1853, when he seems to have assisted materially in securing the appointment of the Dispatch as printer for the state of Iowa. Cuming denied the charge that, in return for this support, he had committed the Dispatch to Dodge, but he did not deny that Dodge had aided him in se-

¹¹ George W. Jones, Muscatine, Iowa, 24 May 1851, letter to Thomas B. Cuming, Keokuk, Iowa, Thomas B. Cuming MSS., Cuming-Hamilton Collection, Joslyn Art Museum, Omaha; Bernhart Henn, Fairfield, Iowa, 21 May 1851, letter to Thomas B. Cuming, Keokuk, Iowa, Thomas B. Cuming MSS., Cuming-Hamilton Collection, Joslyn Art Museum, Omaha; The Keokuk (Iowa) Dispatch, 25 Feb. 1851.

curing the appointment.¹² Jones, especially, was indebted to Cuming for the latter's activities in his behalf during the senatorial election in the Iowa legislature in 1852-53. In addition, Jones had openly stated his interest in Cuming as early as 1851, when he said in a letter, "I shall always be pleased to see you at my house, to hear from you or to serve you . . ."¹³ The connection between Bernhart Henn and Cuming is more tenuous. Of the three, Henn received the least attention from the Dispatch, but he did confide in Cuming, saying in an 1851 letter, ". . . what I now write is intended alone for your eyes--being as you are at the head of a paper in which I feel a deep interest."¹⁴ Generally speaking, there can be little doubt that, if Cuming asked these three gentlemen for assistance in obtaining the appointment in Nebraska, they would have been inclined to aid and support him. And, if Franklin Pierce asked them for their nomination of a candidate for the job, the appointment may have been simple of achievement.

Securing the Appointment--John W. Forney

There is, however, another area of Presidential influence which may have been responsible for Cuming's appointment. The appointment of

¹² The Keokuk (Iowa) Dispatch, 1 Feb. 1853.

¹³ Jones, Muscatine, 24 May 1851, to Cuming, Keokuk, Cuming MSS.

¹⁴ Henn, Fairfield, 21 May 1851, to Cuming, Keokuk, Cuming MSS.

Andrew H. Reeder as Governor of Kansas was made upon the recommendation of, among others, John W. Forney of Pennsylvania,¹⁵ and, while there is no evidence to substantiate the assumption that this gentleman was consulted in regard to the other appointments in Kansas or Nebraska, there is neither any evidence to preclude such a possibility. Forney was close to Pierce during these days--not only was he Clerk of the House of Representatives, but he was also the editor of the Washington Union, the official organ of the Pierce administration.

There are two rather strong indications that Forney may have had at least a partial hand in securing the nomination for Cuming, the first being the report that Forney had, that summer, entered a company with other political figures for the purpose of speculating in Nebraska land,¹⁶ and the second being that Cuming, as Governor later that fall,

¹⁵ Nichols, op. cit., p. 407. After the passage of the Kansas-Nebraska Act Pierce was determined to regard it as one of the great achievements of his administration, and was equally determined that its provisions should be correctly carried out in the Territories. The actual operation of the Territories, Pierce felt certain, would abundantly justify the principle of popular sovereignty--if that operation were meticulously administered. It was for this reason, and to forever bury any suspicion of sectional favoritism, that he resolved to appoint a Southerner as Governor of Nebraska and a Northerner as Governor of Kansas.

¹⁶ The Omaha (Nebraska Territory) Arrow, 29 Dec. 1854. The item printed in the Arrow of this date was copied from an unidentified issue of the Washington (D.C.) Star and contained material which had been copied, in turn, from an unidentified issue of The New York Times and The Cleveland Leader, 1 Dec. 1854.

named one of the leading counties in Nebraska after him. If credibility may be given the first report, then it may be certainly assumed that Forney was interested in Nebraska, and would not have hesitated to use whatever influence or opportunity he might have had to assist Pierce in making her territorial appointments. The latter reality is perhaps more revealing. Thomas Cuming was a young man well versed in the arts of political give and take. The appearance of Forney among the county names of Nebraska, among such politically luminous names as Pierce, Douglas, and Cass, is a strong indication that Cuming was attached to Forney by a rather strong bond. It is not likely that a man as politically astute as Cuming would have expended this honor on such a truly second-class political citizen as Forney, unless he either expected something from or owed something to the man.

There is a third possible avenue of association between Cuming and Forney, dating back to the spring of 1851 when Cuming, as a young and ambitious editor in Keokuk, initiated a correspondence between himself and Edmund Rice, a friend from Mexican War days in the Michigan Volunteers.¹⁷ At that time Rice was a Territorial legislator in Minnesota, but he was also, and more importantly, the brother of Henry M. Rice, the Minnesota Territorial Delegate to Congress.

¹⁷ Edmund Rice, St. Paul, Minnesota, 8 May 1851, letter to Thomas B. Cuming, Keokuk, Iowa, Thomas B. Cuming MSS., Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

During the early years of the 1850's Henry Rice was engaged in a bitter and virulent intra-party struggle with the territorial Governor of Minnesota, a conflict that often rattled around the head of a dismayed Franklin Pierce. Rice was a "resourceful and unscrupulous politician,"¹⁸ and, in the course of his attempts to demolish the governor, broadcast wild charges of dishonesty and actual criminality about the man and his associates. It was in this connection that Thomas Cuming served him. The correspondence between Edmund Rice and Cuming concerned, almost exclusively, accounts of forgery, embezzlement, perjury and swindling allegedly committed by Charles W. Boruss, and contained the charge that Minnesota's governor colluded with Boruss in some of these unsavory activities.¹⁹ In general, the Rice allegations were a scurrilous group: charges made without evidence, name-calling for its own sake. While the tactics were totally out of keeping with Cuming's gentle and intellectually oriented nature, they were not out of keeping with his rising political ambitions. As an editor, Cuming blanched at no effort to ingratiate himself with any political figure, be that figure one of unblemished reputation, such as Augustus C. Dodge, or one of doubtful integrity, such as Henry M. Rice. The Dispatch carried lengthy articles

¹⁸ George Fort Milton, The Eve of Conflict (Boston: Houghton Mifflin Co., 1934), p. 105.

¹⁹ Edmund Rice, St. Paul, 6 May 1851; 8 May 1851; 14 June 1851, to Cuming, Keokuk, Cuming MSS.

dishing up to its readers the potpourri of the Rice charges at spasmodic intervals between October 7, 1851 and February 8, 1853,²⁰ and Cuming was careful to see to it that the Rices received copies of the newspapers in which these were contained.

By 1853 Cuming had indeed served the Rices well in Iowa, and they knew it. On February 11 of that year Edmund Rice responded to a letter from Cuming,

I have seized the first leisure moment to say that I want to help you all I can. I write two letters for you to Messrs. Shaist and Clark of Kalamazoo and enclose them. I know of no other way in which I can serve you, but if you do let me know at once. Hollingshead [William Hollingshead, a partner in Rice's Minnesota law firm] is in Washington. You must write to him. Perhaps he can help you and I know he will if he can. I certainly hope you may succeed. I should like to hear from you often.²¹

While the date of this letter precludes any assumption that the help Cuming solicited involved the appointment as Secretary of Nebraska--in 1853 Cuming was fairly well discouraged with his Keokuk prospects and probably had an eye out for any good new opportunity, this one apparently being in Michigan--it does bear evidence of Rice's awareness of his debt to Cuming, and of Cuming's willingness to solicit payment of that debt.

²⁰ The Keokuk (Iowa) Dispatch, 7 Oct. 1851; 8 Feb. 1853.

²¹ Edmund Rice, St. Paul, 11 Feb. 1853, to Cuming, Keokuk, Cuming MSS.

The Rice episode is important only in that it provided a basis for Cuming's future access to the higher echelons of Democratic politicians and patronage. In 1853 Stephen A. Douglas of Illinois had embarked upon a rather large scale land speculation enterprise, in company with two other prominent Democratic political figures, in the western Lake Superior region. This venture had arisen from Douglas' work as Chairman of the Senate Committee on Territories in effecting the organization of Minnesota Territory. During the course of this effort Douglas had become well informed about the geographic and economic possibilities of the area, and this, coupled with his traditional interest in and extensive knowledge of railroad plans and prospects, led him to the conclusion that any transcontinental road built over a northern route would have its eastern terminus at the head of Lake Superior, in the area around Fond du lac. Accordingly, he formed a syndicate to buy land there, but the group made a tactical error by including D.A. Robertson of St. Paul as their purchasing agent.²² Robertson was the editor of The Minnesota Democrat, over which Edmund Rice seems to have had some managerial jurisdiction.²³ In addition, the presses of the Democrat not only turned out the letterhead paper for Rice's St. Paul law firm,

²² Milton, op. cit., pp. 104-105.

²³ Edmund Rice, St. Paul, 8 May 1851, 14 June 1851, to Cuming, Keokuk, Cuming MSS.

but were also given advertising space thereon.²⁴ In any event, in some way, Henry M. Rice became aware of the intentions of the Douglas syndicate in the Lake Superior region, and he attempted to beat Douglas to the title of the desired land. His efforts were apparently crowned with some success, for Douglas and his original associates were forced to admit Rice into the syndicate. With the membership thus broadened, Douglas shortly offered shares of stock in the group to his good friend, John W. Forney, who purchased a small holding, and, ultimately, like the other partners, realized a nice profit from the venture.²⁵ Thus, through such a tangled web, might Thomas Cuming have come to the attention of John Forney.

It might well be argued that Cuming could have gained access to the ear of Stephen A. Douglas through these same channels. However, in view of the circumstances of Douglas' relationship with Henry Rice, it would seem unlikely that he would have regarded any friend of the Rice's with favor. Beyond this, it was well known in Washington that Douglas did not have much influence with Franklin Pierce--he had not been consulted in any matter by Pierce in connection with the dispensation of party patronage in 1852,²⁶ and had carried the critical Kansas-Nebraska

²⁴ Edmund Rice, St. Paul, 6 May 1851, to Cuming, Keokuk, Cuming MSS.

²⁵ Milton, loc. cit.

²⁶ Milton, op. cit., p. 94; Nichols, op. cit., p. 320.

bill through the Senate with but one brief meeting with the President on the matter--and that late in the struggle.²⁷ Clearly Douglas was not close to Pierce, and was neither concerned with nor consulted on matters of presidential appointments.

Securing the Appointment--Lewis Cass

Only one public figure remains who might have been influential in helping Thomas Cuming secure the appointment as Secretary of Nebraska Territory: Lewis Cass of Michigan. Cass, a senator at the time, was from Michigan, Cuming's home state, and might have known of the young man in his illustrious college days, as well as perhaps knowing the Reverend Francis Cuming, his father. But any attempt to associate the appointment of Cuming with Lewis Cass must end there, for there is no evidence of any kind which points to direct communication or association between the two. Moreover, Cass, like Douglas, was not close to Pierce, and had also been ignored in 1852 when the President had built his legislative and executive team.²⁸

In view of the existing evidence bearing on the subject, it would not be wise to attempt to isolate one of the above influences as being the prime mover in securing Cuming's appointment. Considering Pierce's method for making such selections all of them may have played

²⁷ Nichols, op. cit., pp. 320, 538.

²⁸ Milton, loc. cit.

a part. Letters of recommendation from the Iowa congressional delegation may have been added to endorsements from Forney and Cass. As long as no one objected, and the young man seemed qualified for the job, the matter may have been simply settled. Such were and are the avenues to political power.

Qualifications for the Appointment

No matter which men constituted the means by which Thomas Cuming was appointed to the Secretaryship of Nebraska Territory, both they and those who were empowered to authorize the appointment could only have felt certain that he was a young man eminently qualified for the job. Beyond his consistent services to Jones and Dodge, beyond his really massive editorial support of Pierce in the 1852 campaign, Cuming had demonstrated that he was a party man, in favor of regular nominations channelled through well-organized party echelons, and requiring consistent and unquestioning party support.²⁹ This quality of strict party discipline would have been an incomparable asset to Cuming in the eyes of Franklin Pierce. Pierce and other powerful Democrats were much concerned, at this time, with the somewhat distracted character of the Democratic party, and were, in the service of their own interests, working hard to bring the party together. Under these circumstances the quality of party loyalty would have been a major requirement for the ap-

²⁹ The Keokuk (Iowa) Dispatch, 9 July 1850.

pointment, and Cuming possessed it in an abundant measure.

Another major asset to Cuming in securing the Secretaryship would have been his orthodox political philosophy, which coincided precisely with that of both Douglas and Pierce--at least insofar as it can be ascertained that the latter gentleman had a political philosophy. In a Fourth of July oration delivered at Keokuk in 1853, Cuming clearly outlined this philosophy, mentioning the duties of citizenship in the United States, and stating that one of the foremost of these was contained in

. . . the oath of fealty subscribed by every citizen to the Constitution and laws of the land. We all recognize that oath, and, although there are very many among us, who, animated by a noble philanthropy, desire the emancipation of all the oppressed and the absolute equality of all the members of the human race, yet there are few . . . who would vainly endeavor to accomplish such laudable ends, by the alternative of the destruction of that sacred Union upon which depends our present happiness and future welfare. Yet it is no less true that the tendencies of the time are to blind us to the import of our constitutional obligations and to the terrible calamities which would follow their infraction. I allude not only to the elements of agrarianism and radicalism, but also to that war of religious and political fanaticism, waged with deliberate purpose against the equal rights of a portion of the Republic--to blast its reputation, sap its resources, estrange its affections, and overthrow its institutions; and to that league of bad and ambitious men . . . against the united government under which we live.³⁰

The position Cuming delineated here was precisely that of northern Demo-

³⁰ Thomas B. Cuming, "An Oration on the 77th Anniversary of American Independence, July 4, 1853," J. Sterling Morton Pamphlet Collection, Vol. 66, #15, Nebraska State Historical Society, Lincoln, p. 8.

crats in general, involving a strict interpretation of the Constitution, loyalty to the Union, the spirit of compromise and toleration in regard to sectional frictions which was embodied in the principle of popular sovereignty, and opposition to the rising extremist elements in the north: the Free-Soilers, Know-Nothings and Abolitionists.

If Cuming took the position of an orthodox northern Democrat in matters of Constitutional interpretation and sectional passions, he also took a position similarly oriented and consistent in regard to other important domestic issues. He spoke often and with some sense of social conscience against protective tariffs, which he felt worked to the disadvantage of the already hard-pressed industrial worker.³¹ He took a strong stand against foreign banks and state chartered banking institutions, holding that localities had to have a stable currency,³² which these did not provide. He neatly straddled the fence in regard to the increasingly politically powerful Temperance movement, defining himself as a "friend of Temperance", although not a member of its groups.³³ In all of these attitudes on domestic issues, as well as in his opinions on the role of the United States in foreign affairs, Cuming carefully

³¹ The Keokuk (Iowa) Dispatch, 9 July 1850.

³² Ibid., 8 Oct. 1850.

³³ Ibid.

adhered to the prevailing position of the northern Democracy, with special emphasis on an identity of thought with that party's leaders.

Added to these political and philosophic virtues of Thomas Cuming, were other personal qualities which must have made him seem ideally suited, if not destined, for positions of political authority. His background contained both legal and liberal arts training, his abilities as a writer and orator were proven, his personality and appearance alike were arresting; a black haired, swarthy complexioned, slender figure with lively black eyes, motivated by convictions which produced aggressive, positive, decisive action. He was, indeed, probably the most likely candidate presented to Franklin Pierce.

Personal Motivations in Seeking the Appointment

There can be no doubt that Thomas Cuming sought out the appointment to the Secretaryship of Nebraska Territory: then, as now, political opportunity did not come to those who waited for an invitation. His reasons for seeking it were as various as the means by which he achieved success. In general, however, they may be categorized under two broad concerns: his ardent desire for political power and prestige, and his equally passionate interest in his own material welfare.

By 1853 Cuming was thoroughly disenchanted by his prospects for wealth in Keokuk. He saw clearly that his personal fortunes were inseparable from the city's, and he also saw that Keokuk, because of her lack of comprehension of the import of the railroad revolution to the

river transportation, was very likely going to be passed by the main stream of fortune and progress. For at least three years he had attempted to impress upon the city the necessity of pursuing and securing a rail line, preferably on the main east-west route, but at least a branch connecting with that route. In this effort he was unsuccessful, and his bitterness was ill concealed in a letter of farewell addressed to Keokuk's citizens upon his departure for Nebraska,

Whether the energy be here or not, to effect great results, I hope that it may be elsewhere. Destiny will never counter-march from the shores of the Mississippi. Its camp fires are blazing on your eastern borders--waiting for the crossing of the army of progress. The time has come, if not passed, when the last blow must be struck to hew out the transit-path of the "March of Empire."³⁴

Not only, however, did his prospects for personal wealth seem dim in Keokuk, but his political opportunities also seemed limited. Those political successes he had garnered--few in number and of little relative consequence in the broad field of political power--had been achieved only after he had expended considerable effort and in spite of considerable opposition. The arena of politics in Iowa was not fluid, it had rather congealed after the territory had become a state. The elective offices seemed securely held by men who enjoyed a considerable regional reputation, and who were, moreover, Cuming's friends and potential benefactors. In addition, after about five years in Keokuk, Cuming

³⁴ The Omaha (Nebraska Territory) Arrow, 4 Aug. 1854.

had never run for or been elected to public office. Whether this was due to personal choice or lack of support would be difficult to determine, but, all things considered, the avenues to elective office did seem closed to him.

His remaining alternative was an appointive office, and even in this area he had achieved only modest success in Iowa. The appointment as State printer in 1853 was more important financially than politically. It was rumored that he had been appointed Secretary of the state Senate, but no evidence exists to confirm the appointment.³⁵

There can be no doubt that these real and potential appointments fell far short of Cuming's ambition, and testimony to his dissatisfaction is contained in the Rice letter of February 11, 1853, which indicated that Cuming was seeking an opportunity elsewhere.³⁶

Cuming undoubtedly begrudged the time he had spent in Keokuk to so little avail, but, perhaps because he was very young, his faith in the unlimited prospects of the future was not diminished. In his 1853 Fourth of July address, Cuming told himself, and his audience, that this country did not withhold its highest offices from the poorest citizens; that labor and intellect were all that was required. "The path of pub-

³⁵ The Burlington (Iowa) Telegraph in The Keokuk (Iowa) Dispatch, 15 Feb. 1853.

³⁶ Rice, St. Paul, 11 Feb. 1853, to Cuming, Keokuk, Cuming MSS.

lic service is broad," said he, "its gates are wide open, and the temple of fame shines resplendent at the summit, with its rewards extended to all beholders."³⁷

The appointment as Secretary of Nebraska Territory must be regarded as Cuming's great reward for his political efforts in Iowa. Not yet twenty-seven years old, he was placed in a position of executive responsibility over a vast, unorganized territory. The duties of the territorial Secretary were largely mechanical: the keeping and transmission of executive and legislative records and the handling of federal moneys expended in the administration of the Territory.³⁸ But the position placed Cuming in the inner circle and upper echelons of the government of a new territory, where political currents and allegiances would be fluid and unformed. While the position was not one which had control of any patronage, the simple fact of occupying the second most important executive office in the territory would provide the holder of that position with considerable political authority and unlimited opportunity to build a political following. It would not take an over-imaginative mind, then, to view the job as a potential steppingstone to the gubernatorial chair. For Thomas B. Cuming it was a great chance.

³⁷ Cuming, op. cit., p. 16.

³⁸ The Statutes At Large and Treaties of the United States of America, December 1, 1851 - March 3, 1855, ed. George Minot (Boston, Little Brown and Co., 1863), X, pp. 278, 282.

In addition, the Secretary's position was rather well rewarded financially. Cuming's salary was \$2,000.00 per year, a not insignificant remuneration in those times.³⁹ Beyond this, however, was the prospect for personal enterprise. As Secretary of the Territory, Cuming could well expect to have access to information which would enable him to take advantage of economic opportunities well in advance of the general population, and, as a result, at a commensurately increased profit ratio. All in all, it must have seemed to Cuming to be a sure thing.

Interestingly enough, Cuming did not wait for the benefits of political position to guide him in his financial interests in Nebraska. On July 21, 1854, he received a solicitation from a group of Quincy, Illinois, businessmen to participate with them in a Nebraska municipal colonization company.⁴⁰ Included in this group was J. W. Richardson, a brother of William A. Richardson, Congressman from the state of Illinois. William A. Richardson was a close friend and political ally of Stephen A. Douglas,⁴¹ and it is therefore not surprising that Thomas Cuming decided to subscribe to an interest in the company.

The purpose of the group was to found a community for profit,

³⁹ Ibid., p. 282.

⁴⁰ Daniel M. Carr, ed., Men and Women of Nebraska (Fremont: Progress Publishing Co., 1903), pp. 36-37.

⁴¹ Nichols, op. cit., p. 306.

and to this end they had gathered about twenty-five families which were to emigrate to Nebraska after a suitable exploration had selected a favorable site for their settlement. There, it was planned, the company would proceed to establish a model city, solidly Democratic in politics, and equipped with all of the institutions of a settled society. The promoters reminded Cuming of the advantages to be obtained from association with such a pre-planned community in terms of political influence, enhanced real estate values, and the domination of agriculture and commerce. Their reasons for inviting Cuming to participate in the venture are obvious in their letter, "In securing a location we wish to cooperate with gentlemen who largely understand the true principles of government, and our national features of American enterprise and development."⁴² They wanted Cuming's knowledge of political and commercial developments in Nebraska, to aid them in selecting the site which would ultimately become the center of governmental and commercial activity.

At the time of this letter, Franklin Pierce had yet to find a man to fill the position of Governor of Nebraska.⁴³ In all likelihood,

⁴² Carr, op. cit., p. 36.

⁴³ Pierce had offered the job to William O. Butler of Kentucky in June. Butler indignantly declined the honor, saying that he ". . . wouldn't be Governor of Nebraska even if they were to offer him the whole territory as his salary." The Louisville (Kentucky) Weekly Journal, 5 July 1854. Francis Burt was appointed Nebraska's Governor on August 2, 1854. J. Sterling Morton and Albert Watkins, Illustrated History of Nebraska (Lincoln: Jacob North and Co., 1907), I, p. 162.

Cuming would not have been offered the opportunity had the Quincy men known who was to be Governor, for, although they might have reasonably expected Cuming to have access to the inner circle of information about the new territory, they could not have expected him, as Secretary, to have sufficient authority in the administration of the territory to aid their enterprise to any appreciable degree. Cuming's investment in the company indicates his own lack of knowledge of any plans for the development of Nebraska. He apparently based his hopes for the company and its future in its close association with William A. Richardson, and, indirectly, Stephen A. Douglas.

On August 9, 1854, Cuming, who was in Washington at the time, received a second letter from J. W. Richardson, which must have somewhat diminished his expectations that the Quincy company would be the recipient of special favor from powerful Washington friends. In it Richardson said,

We have this day written to the president [Pierce] suggesting J.A. Smith, the president of our company, as a suitable person for governor of Nebraska. We have also written to Hon. S. A. Douglas and Hon. W. A. Richardson, who are personal acquaintances and friends of Mr. Smith, to hand our note to the president, and recommend, etc. Please confer with Messrs. Douglas and Richardson on this subject, and any influence you may be able to exert for this object will doubtless promote our common interest.⁴⁴

If the Quincy men needed Thomas Cuming's help to obtain the appointment

⁴⁴ Carr, op. cit., p. 37.

of a governor dedicated to their interests, then, considering the power and prestige of their friends in Washington, they needed help indeed. Furthermore, their efforts in this area were far too late, for by this time Pierce had named Francis Burt as Governor. If the Quincy group had influence in Washington, their interest in and activity for the company was certainly feeble.

Cuming's enthusiasm for the Illinois venture probably approached dead zero when he learned they had sent a small group to Nebraska later that same month to locate a site for the colony. This group had somehow come under the influence of Logan Fontanelle, and had purchased location rights to twenty square miles in what later became Dodge County⁴⁵--far west of the Missouri River and far north of any of the proposed trans-continental railroad routes. To a man of Cuming's economic sagacity and railroad knowledge, the Quincy company must not only have lacked effective political influence, but they must also have lacked good sense.

Cuming's Quincy Company alliance is significant only in that it demonstrates his interest in Nebraska land speculation schemes, his expectation to lend whatever political influence he might possess in the territory to further these interests, and his lack, in the summer of

⁴⁵ Cuming was in Washington during this time, and was unable to take an active part in the expedition to select a location. Carr, op. cit., p. 36.

1854, of knowledge of any powerful plans for the development of the territory. Cuming came to the territory that fall full of interest, enthusiasm, ambition, and even greed, but not full of intent.

On the Threshold of Power

That Thomas Cuming was politically hardened and economically hungry there can be no doubt. But he was also full of hope and self-confidence: a gentle soul who believed that "A man's sources of happiness are in himself and in his religion . . . ,"⁴⁶ he was dedicated to the idea that virtue and industry would bring their own rewards, and had apparently achieved that serenity which accompanies a recognition of reality. In 1853 he editorialized in the Dispatch,

If men would only look at the bright side of things and "go ahead", half of their troubles would vanish. It is astonishing how easily the most important affairs are managed in the natural progress of one who is consistent and qualified for his duties If a man will work, . . . he can have the opportunity for success . The world (thank fortune!) never begrudges that! There are "Trials and tribulations" in every avocation of human life. The world is not so bad as it seems, and they who think it is a purgatory are among the unquiet souls who would make it so.⁴⁷

⁴⁶ The Keokuk (Iowa) Dispatch, 11 Jan. 1853.

⁴⁷ Ibid., 15 Feb. 1853.

CHAPTER IV

THE BEGINNINGS OF A TERRITORY - NEBRASKA IN 1854

Geography and Prior Settlement

The Territory to which Thomas Cuming had been appointed as Secretary was an enormous area which included all of the Louisiana Purchase north of the fortieth parallel and west of the Missouri River, except a portion of Minnesota. Nebraska Territory was the High Plains, the endless stretching grasslands of the continental interior rolling in a consistent ascent toward the west, with a continental climate that embraced the extreme in every one of its manifested forms. The region had been thought useless for years by the citizens of the United States who were accustomed to the densely forested East, and it was, indeed, a forbidding land. The harshness of its climate was matched by a similar severity of landscape: a great undulating exposed land with shelter existing only along the watercourses where brittle, fast-growing trees clustered in timid confusion; where the sky arched overhead, unbroken and unavoidable, bigger than eternity, the merciless eye of the universe itself.

White men had never lived in the region in any appreciable numbers before 1854, and, indeed, they were forbidden to do so after the 1830's by the treaties of their government with the Indians. For some

years United States citizens had been crossing it on established trails, but they were just passing through on their way to some more hospitable land. When, in 1854, national economic and political necessity organized the territory and brought it into the federal framework, the land was still virtually unoccupied by any life except Indians and buffalo. What white settlements there were clung timidly to the crumbling banks of the region's heavily sedimented rivers, maintaining a precarious existence at the sufferance of the United States Government, the plains Indians, and the elements.

Early Population and Political Climate

By 1854 increased population pressures for agricultural land in the east, coupled with the national necessity for coast to coast communication, convinced many citizens that the Nebraska region might, after all, be habitable. Thus, persuaded that the land might be fertile even if it did not produce timber, and that, by virtue of its very geography, it was bound to occupy the position of a strategic link in the network of transportation and communication that was projected to unite the far western with the far eastern sections of the country, men began to move toward it for purposes of agricultural and commercial exploitation.

For the most part these men were seeking either a new or better opportunity than the one they had possessed in the increasingly crowded and industrial east. In general they were the traditional American frontier type: young, personally ambitious, independent, and individual-

ly greedy. They viewed the land in terms of a providentially provided right: theirs to use as they saw fit to further their own individual interests. They viewed the society which they expected to establish in the same terms: a structure which should justify its existence by serving and assisting their individual interests. Politically, they tended to be Democratic in their sympathies, not only because that party stood and fought for the concept of popular sovereignty which both expressed and protected their inherent conviction of the right to individual self determination in matters economic, social and political, but also because that party had been responsible for providing them with this new land by virtue of its successful fight to open it to them--because that party had achieved the Kansas-Nebraska Act in 1854.

The Character and Motivations of Exploitation

When Franklin Pierce signed the Kansas-Nebraska Act into law on May 30, 1854, such men rushed into the new territory. Most of these first adventurers were men who lived in the neighboring states of Missouri and Iowa,¹ and who were motivated not only by their ambition to create new wealth for themselves in Nebraska, but also by their desire to reinforce the value of their holdings in their home states. The development and settlement of Nebraska, it was felt, would certainly oper-

¹ George E. Condra, James C. Olson and Royce Knapp, The Nebraska Story (Lincoln: The University Publishing Co., 1951), p. 164.

ate to the economic advantage of her eastern neighbors, and, as a result, most of these men did not remove either themselves or their families from the home place, but came to the new Territory only long enough to stake a claim to what they hoped were the most advantageously located acres in the state. Because of considerations of geographic convenience, as well as ease of access to available transportation, most of these early claims were made on the western shore of the Missouri River, and before the summer of 1854 had closed, almost every prospective town site up and down the river had been claimed.² While some Iowans and Missourians did come to the new territory to claim farm land, most of the interest during that first summer was in land which might ultimately come to be included in the urban and commercial centers of the state-to-be.

The reasons for this overwhelming interest in town promotion were simple, and exclusively economic. It took far less back-breaking labor to select a town site, claim it, have it surveyed and platted, and get up a map and prospectus for use in reselling lots than it did to improve and plow a hard-sodded Nebraska farm. Beyond this, the prospects for profit were increased a hundred fold, at least. Under pre-emption, the capital investment for land which would eventually be urban was, in this unoccupied region, the same as it was for land which could only be farmed, but the potential for increase in value was far greater.

² The Omaha (Nebraska Territory) Nebraskian, 14 Jan. 1857.

All that was required was a gambling spirit, the willingness to play a hunch in regard to where these urban centers would eventually take hold, and this spirit the Iowans and Missourians possessed in an abundant measure. So eager, in fact, were they to take up those acres which they were disposed to believe would be favored by commercial development, that they willingly paid the Indians, who had been given time to vacate the land by the treaties of cession, a fee to expedite their removal and insure the stability of the claim.³

Iowans, in particular, were vigorously active during the summer of 1854 in staking out and claiming prospective town sites. In addition to the simple motivations outlined above, these men were propelled by the railroad fever, which was at that time sweeping their home state in epidemic proportions. The construction of the Illinois Central from Chicago to Dubuque, Iowa, and the proposed construction of lines across that state, had alerted their minds to the prospective road which would reach to the Pacific Ocean. Most of these routes across Iowa were planned to terminate at Council Bluffs, and, as a result, Iowa and Illinois were both interested in promoting a transcontinental railroad line through Nebraska along the central route.⁴

³ James C. Malin, The Nebraska Question, 1852-1854 (Lawrence: privately printed, 1953), p. 366.

⁴ The Council Bluffs (Iowa) Chronotype, 28 Feb. 1855.

Early Nebraska town promoters were thus engaged in a guessing game with truly huge stakes. They were not only attempting to claim town sites in locations which would become municipal centers for the immediate region, but the most forward-looking and aggressive of them were attempting to claim the town site which would become the location of the eastern terminus of the Pacific railroad.⁵ The owners of the town which secured this railroad advantage would become rich beyond dreaming, thanks not only to the railroad itself and the commerce and trade which it would import to the town, but also to the industry and activity which would locate there in connection with its construction and operation. The city with the railroad would be the metropolis of Nebraska, if not of the entire central west.

As a result, Iowans carefully consulted their maps, their knowledge of advantageous river crossing locations, all of the projected routes of the transcontinental road through Nebraska, and all of the geographical and mineral resources known in the area. These factors led a great many of them to lay out a great many towns along the river opposite Iowa. Once their town had been located, the promoters sought to buttress its claim to the railroad by virtue of natural advantage by rallying the forces of human influence behind it. The new Territory,

⁵ Walker D. Wyman, "Omaha: Frontier Depot and Prodigy of Council Bluffs," Nebraska History Magazine, XVII (July-Sept, 1936), p. 145.

they reasoned, would have a capital before it would have a railroad and the town in which that capital was located would very likely have the largest population and commercial development in the Territory. The railroad, their reasoning continued, would be much more likely to run to seat of government where commerce and patronage were waiting than it would be to run through open country.⁶ This logic made it imperative for each town to secure the capital location if it hoped to secure the railroad, and the western bank of the Missouri River soon bristled not only with prospective towns, but also with ambitious and dedicated men struggling with each other to secure the political influence necessary to effect the selection of their town as the territorial capital.⁷

The Early Towns

Before the hectic summer of 1854 there had been only two settlements on the western bank of the Missouri which could make even the remotest claim to being towns. These were Florence, the inheritor of the old Winter Quarters where a few Mormons still lived, and Bellevue, which consisted of the buildings containing the Presbyterian Mission to the Omaha and Otoe Indians and the trading house of Peter A. Sarpy.⁸

⁶James C. Olson, History of Nebraska (Lincoln: University of Nebraska Press, 1955), p. 86.

⁷Addison E. Sheldon, Nebraska, The Land and the People (Chicago: The Lewis Publishing Co., 1931), I, p. 244.

⁸Condra, Olson and Knapp, loc. cit.

Pierce's signature was hardly dry on the Kansas-Nebraska Act, however, before aggressive Iowans and Missourians laid out Brownville, Nebraska City, Plattsmouth, Ft. Calhoun and Omaha to compete with the earlier settlements. The proprietors of all of these sites claimed indisputable natural advantages for both the railroad and the capital, and each established a newspaper to broadcast these, and the news of the sale of lots, almost before they constructed building number one.

In general, however it was felt that those towns located near the latitudinal center of Iowa and/or close by the mouth of the Platte Valley possessed the greatest chance for success in obtaining the capital and the railroad. The advantage of the first consideration was due largely to the vigorous interest and activity of Iowans seeking to secure the transcontinental railroad from Missouri influences by having it run through the heart of their state to Council Bluffs. To this end these Iowans expended their best efforts in behalf of Florence, where a rock bottom in the Missouri River was thought to provide an unequalled opportunity for a railroad bridge, and in behalf of the open prairie opposite Council Bluffs itself. The advantage of the second consideration was rooted deep in the conviction which had been well substantiated by most of the early railroad surveys of the central transcontinental route, that the valley of the Platte River was the most ideal location for the construction of that route. The citizens of

Glenwood, Iowa, who had founded Plattsmouth,⁹ envisioned the railroad running down that valley, and crossing the Missouri at its mouth into Iowa. Bellevue, also, took hope from her proximity to the mouth of the Platte, as well as from the additional advantage of being one of the two established communities in the Territory.

In reality, only two locations in eastern Nebraska were real contenders for the capital or the railroad: the town of Bellevue and the site of Omaha.¹⁰ The southerly bend in the Platte River as it approached the Missouri made it unlikely that railroad management would construct the miles of extra trackage required to follow that valley to the Missouri. A straight line route out of the valley to Bellevue or Omaha would not only be shorter, but in a more direct line to the centers of population and government in Iowa. Plattsmouth, indeed, had no real advantage for the railroad, and remained in the contest for the capital of the territory only because of the vigor of her promoters, and the reluctance of other promoters and settlers in the area south of the Platte River to locate a capital north of that stream.¹¹ Florence, on the other hand,

⁹ Alfred R. Sorenson, History of Omaha (Omaha: Gibson, Miller and Richardson, 1889), p. 80.

¹⁰ Olson, History of Nebraska, p. 86.

¹¹ The roots of the traditional enmity in Nebraska between the sections lying north and south of the Platte River are contained in the nature of the river itself. Wide, shallow and of uncertain bottom, early settlers found it unnavigable, extremely difficult to ford, and

had only her rock bottom for railroad bait, a rather insignificant virtue when balanced against the existing population and aggressive vigor of Council Bluffs.

Bellevue

Of the two leading protagonists, Bellevue seemed to be both the best and only choice for the capital location. Founded in the early years of the nineteenth century as a fur trade post,¹² the site had found subsequent favor with the Presbyterian Board of Foreign Missions which located an Indian mission there, and with the United States Government which had stationed its Indian Agent there.¹³ The small clusters of buildings constituting Bellevue in 1854 were located on a broad plain which ascended from the river in a gentle incline. This plain, known as the "second bottom," was surrounded by softly contoured hills, and was well above the river flood stage. Many of Bellevue's early enthusiasts made much of the beauty of her location as an asset in securing the lo-

believed it would be exorbitantly expensive if not impossible to bridge. The river, then, constituted a natural barrier to trade and communication between the two areas, and it is not surprising that neither side was willing to locate the capital and its attendant activity and industry on the other. In so doing, they felt, they would not only lose the profit and activity inherent in the seat of government but they would also even have great difficulty getting to it to transact business. Condra, Olson and Knapp, op. cit., p. 165.

¹² James C. Olson, J. Sterling Morton (Lincoln: University of Nebraska Press, 1942), p. 42.

¹³ The Omaha (Nebraska Territory) Arrow, 1 Sept. 1854.

cation of the capital,¹⁴ as they did also of her location on the river midway between the mouth of the Platte and Council Bluffs--an asset thought by them to be conclusive insofar as railroad location was concerned.¹⁵ The Nebraska Palladium, Bellevue's newspaper, pointed out repeatedly that her location bore the stamp of historic approval, its site having been the first settlement in the area. The newspaper also proclaimed her advantages in the possession of an excellent river landing and an abundant supply of wood and stone.¹⁶ Early Bellevue promoters, however, placed their greatest hopes for the capital location in the fact that Bellevue had sufficient buildings in existence to house the territorial legislature and executive offices, as well as adequate accommodations for the residence of these gentlemen--a not inconsiderable virtue in Nebraska Territory.¹⁷ All in all, Bellevue had many good reasons to assume that she would be the chosen town,¹⁸ and the conviction of her citizens that she would receive the coveted capital location was apparently shared by a great many other citizens of the United States

¹⁴ The Nebraska (Bellevue) Palladium, 15 Nov. 1854, Thomas Weston Tipton, "Forty Years of Nebraska," Proceedings and Collections of the Nebraska State Historical Society, IV, 2nd Series, (1902), p. 8.

¹⁵ The Nebraska (Bellevue) Palladium, 29 Nov. 1854.

¹⁶ Ibid., 15 Nov. 1854.

¹⁷ Ibid., 15 Nov. 1854; 29 Nov. 1854.

¹⁸ Tipton, loc. cit., Olson, J. Sterling Morton, p. 41.

who were interested in Nebraska. Bellevue was simply the only town then in existence with a location favorable to the Pacific railroad.

Omaha

Bellevue had, however, failed to reckon with the energy and ambition of Council Bluffs. While the citizens of Bellevue and St. Mary's, her Iowa sister across the river, were content to point out Bellevue's existing virtues, and rest confident that her solitary status would secure the capital for her, the leading men of Council Bluffs, who had no city at all across the river, looked west at the rolling hills, laid plans and acted swiftly.

In general topography the site of the future city of Omaha was much like that of Bellevue. The "second bottoms" opposite Council Bluffs were considerably more shallow and the hills behind them less gentle, but the general character of flat lands and hills with scattered forestration was similar. While the site of Omaha had been only slightly less generously endowed by nature than that of Bellevue, it had experienced complete rejection at the hand of man. In the early days of the fur trade the general region around Omaha had been dotted with several fur posts, but none of them were located on the site of Omaha; the upriver fur expeditions had camped, during those years, at a number of favorable landings on the Nebraska shore, but, insofar as we have knowledge of these camps, never at Omaha; several Indian tribes lived nearby and ranged through the location, but none of them had established

villages there. It was not so much that the location was a bad one as that there were others which were better.

Thus the site of Omaha was bare underbrush and prairie in May of 1854 when the Kansas-Nebraska Act was signed. On July 4, that year,¹⁹ Omaha was founded² by a group of interested Council Bluffs men who crossed the river and staked their claims, accompanied by speeches, toasts and a general celebration. *They'd been coming all year.*

The Iowans who joined together to form the Council Bluffs and Nebraska Ferry Company, the organization which owned, organized and promoted Omaha, were not exceptional in their motives: they were interested in wealth to be gained from municipal land speculation. But the men of Council Bluffs had a greater interest. For them the railroad across Iowa was an immediate probability, and they were faced with the necessity of drawing it to their city or risking the loss of the eastern transcontinental terminus. Although Council Bluffs was the only city of consequence in western Iowa in 1854, some rival town might spring up in time to snatch the prize away. Anxiety in Council Bluffs was compounded by the multiplicity of lines being built or projected in the eastern part of the state: the Dubuque line, the Lyon's road, the Rock Island, the Muscatine and "Air Line", the Burlington line, the Madison line, and the Keokuk line were all either abuilding or adreaming in the cities up

¹⁹ Olson, J. Sterling Morton, p. 42.

and down the Mississippi River. The obvious fact was that the northern lines could build straight west, and miss Council Bluffs altogether, while the southern lines might be lured away into Missouri. Most of the projected routes, it was true, were planned to terminate in Council Bluffs, via Fort Des Moines, the new capital of the state, but the foresighted citizens of that city were not inclined to trust to railroad plans, fate, or luck in this critical matter. They reasoned that the location of the capital of Nebraska Territory in the city opposite Council Bluffs would not only secure them the eastern terminus of the transcontinental route, but would also secure them the western terminus of the eastern lines,²⁰ and make their city a great rail center. An item printed in The Council Bluffs Chronotype after Nebraska's capital had been located in Omaha stated the matter nicely,

Omaha will therefore be in a position to cooperate with the great emporiums in the East and the cities of the West; especially Chicago, Rock Island, Davenport, Iowa City, the former, and Fort Des Moines the future, Capital of Iowa; in pressing forward Railroad enterprise, and concentrating it at Council Bluffs. It will help to encourage all the Railroads projected westward through Iowa, and will continue the pioneer advantage which they now possess. All Iowa should especially rejoice to see the Capital of Nebraska located centrally opposite her western border, as it will attract through Iowa, converging lines of travel and public improvement which might otherwise be directed beyond our borders. Let all the eastern cities of Iowa . . . so arrange their Railroad lines as to easily connect at Council Bluffs; and here let all unite in a

²⁰ Albert Watkins, "The Evolution of Nebraska," Proceedings of The Mississippi Valley Historical Association, III (1909-10), p. 30.

great trunk line running west up the broad level, solid valley of the Platte; and the emigrant route will soon become the great Pacific route, and the highway of nations . . . In view of the great efforts to divide and divert railroad enterprise, it is the duty of all friends to Railroads, to urge this condensing cooperation principle, so as to draw them together; thereby securing an early construction of a line that will draw through the heart of our country a vast travel and commerce . . .²¹

If their plan succeeded, the members of the Council Bluffs and Nebraska Ferry Company would be rich beyond all dreaming: they would own one major railroad terminus and have substantial interests in another. All they had to do was build a city, and see to it that the capital of Nebraska was located there. Surely not too large a task for such a great prospect!

It is improbable that the precise membership of the Council Bluffs and Nebraska Ferry Company will ever be known. In fact its membership seems to have fluctuated somewhat owing to the practice of shares being given for important services rendered and to the natural changes resulting from discouragement or financial need. Frank Burkley who was an early resident of Omaha, and who might have known, says, "The company consisted of Dr. Enos Lowe (pres.); William D. Brown, Tootle & Jackson [a Council Bluffs general merchandising firm], S. S. Bayliss, Joseph H. D. Street, Henn & Williams, Samuel S. Curtiss, Tanner and Downs, and others."²² While the interests and activities, if not

²² Frank J. Burkley, The Faded Frontier (Omaha: Burkley Enve-

the actual identity, of many of these gentlemen have been lost, one name in the group stands out--that of Bernhart Henn. The partner in the Council Bluffs banking firm of Henn, Williams and Hooton & Company,²³ dealers in land and exchange, and one of the owners of the Omaha town site company, was Bernhart Henn of Fairfield, Iowa who was also a member of the United States House of Representatives from Iowa, and one of the three men whom Franklin Pierce consulted in regard to patronage appointments in that state. The editor of The Omaha Arrow must have had Henn in mind when he wrote, on August 6, 1854,

. . . Several gentlemen of capital and great influence are interested in this new city and a regular survey and platting of premises is now going on. Being so near Council Bluffs, the only town of any size in western Iowa, it has many advantages as the seat of government, and a vigorous effort is being made by those who have influence in the right quarter to secure that object.²⁴

With plans laid, land claimed, influence secured, the Council

lope and Printing Co., 1935), p. 52. It is possible that the Samuel S. Curtiss Burkley mentions was the Samuel R. Curtis of Keokuk who served as Cuming's engineering adviser on bridging the Mississippi. The Keokuk Curtis was long interested in railroads: he had surveyed the Philadelphia, Fort Wayne and Platte Valley Road (the "Air Line") in 1854 and was an ardent exponent of the plan to bring all of the lines crossing Iowa to a central focus at Council Bluffs. Later, in the 1860's, as a Representative from Iowa to Congress, he was active in planning the Union Pacific, and served as Chairman of the first convention to incorporate that road. However, since Curtis was a Whig until 1855 when he became one of the original Republicans in Iowa, it is unlikely that he was close to or influential with Thomas B. Cuming. Vol. 4, p. 3, Caleb Forbes Davis MSS, Keokuk Public Library, Keokuk, Iowa.

²³ The Council Bluffs (Iowa) Daily Morning Bugle, 4 Aug. 1857.

Bluffs and Nebraska Ferry Company proceeded with alacrity and dispatch to produce a town on the banks of the Missouri to receive the capital and the railroad. Surveys were run, plats laid out, and maps and advertisements lithographed. The original plat of the city gave ample evidence of its proprietors' hopes; it contained a large block of land centrally located and identified as Capitol Square.²⁵ By September 1, 1854, the Company, pushed by the impending arrival of territorial officials and the consequent location of the seat of territorial government, was giving lots to anyone who would build upon them.²⁶ By late fall of that year the city contained two stores, about twenty houses, an equal number in process of construction, and a population of about one hundred and fifty.²⁷ That this result had been achieved, small though it was, in a period of less than four months is a testimonial to the great energy of the city's promoters, particularly in view of the chronic shortage of building materials in the new Territory.

²⁴ The Omaha (Nebraska Territory) Arrow, 6 Aug. 1854.

²⁵ The Nebraska (Bellevue) Palladium, 29 Nov. 1854.

²⁶ Olson, J. Sterling Morton, p. 42.

²⁷ J. Sterling Morton and Albert Watkins, Illustrated History of Nebraska (Lincoln: Jacob North and Co., 1907), I, pp. 168, 170.

The proprietors of Omaha were, however, faced with a greater necessity than that of securing a housed population for their city; they had, if they hoped to secure the capital, to provide suitable accommodations for both the government and its officials. It was unlikely indeed that any governor could be persuaded to conduct the business of the territory from a drafty cabin in the face of the oncoming Nebraska winter, and a sizable room would be necessary to accommodate the meetings of the territorial legislature.

As a result, the Council Bluffs and Nebraska Ferry Company pushed the construction of a large hotel and a State House. The hotel, the Douglas House, was designed to accommodate the greatest number of people in the shortest possible time, and was, accordingly, a rather rude structure.²⁸ The State House, however, was a grand two-story brick edifice measuring 33 x 75 feet, and facing east on Ninth Street between Farnam and Douglas Streets.²⁹ The structure cost \$3,000.00, the entire amount of which was borne by the Company.³⁰

There is some evidence to indicate that, despite the surely frantic efforts of the Council Bluffs men, the Douglas House was not

²⁸ Ibid., p. 170.

²⁹ Olson, History of Nebraska, p. 89.

³⁰ Addison E. Sheldon (ed.), The Nebraska Blue Book and Historical Register (Lincoln: Nebraska Legislative Reference Bureau, 1915), p. 6.

completed in time to house the members of the first territorial legislature, and that these worthy gentlemen were forced to find lodgings elsewhere in the pasted together town.³¹ The Company recognized the relative importance of first things, however, and the State House was ready by the time winter set in. On October 13, 1854, The Omaha Arrow was able to report that the ". . . building under process of erection at this place by the enterprising company for the purpose of accommodating the Legislature of the Territory is progressing, and will be ready in ample time for the purposes intended."³² On December 29, 1854, the same paper cheerfully announced that the building was "ready for the coming session."³³

The State House was not large, but it had been designed, unlike the Mission buildings which Bellevue proposed to offer the Legislature, for the purposes of conducting a government, containing rooms to house both branches of the Legislature, committee rooms, and offices for the Territorial officials.³⁴ The Arrow proclaimed that ". . . few Territories have been organized throughout the land where the comfort of the

³¹ The Nebraska (Bellevue) Palladium, 29 Nov. 1854; The Omaha (Nebraska Territory) Arrow, 29 Dec. 1854.

³² The Omaha (Nebraska Territory) Arrow, 13 Oct. 1854.

³³ Ibid., 29 Dec. 1854.

³⁴ Ibid., 13 Oct. 1854.

Territorial officers have been so carefully attended to as by the enterprising company of Omaha City."³⁵ And all this ". . . without a cost of one single dollar to Government and supplies [sic] the necessity of erecting even a temporary building for the purpose."³⁶ In addition the building was brick, the only one in Omaha or Bellevue, and was, therefore, apt to be warm in the coming cold. This inducement offered by the Council Bluffs and Nebraska Ferry Company to secure the location of government at Omaha was persuasive indeed.

³⁵ Ibid.

³⁶ Ibid.

CHAPTER V

THE COMMENCEMENT OF GOVERNMENT IN NEBRASKA TERRITORY

Arrival of the Territorial Officers

Sometime in September, 1854, Thomas B. Cuming, the twenty-six year old Secretary of the new Territory of Nebraska, left Keokuk for the place of his new endeavors. With him were his eighteen year old wife, her mother, sister and brothers, and an employed couple. The little entourage crossed Iowa in light covered wagons which contained their possessions and provisions.¹ Although Cuming had never before visited Nebraska, the composition of the group he brought with him that fall would seem to indicate that he was coming to stay, leaving nothing and no one behind in Iowa.

Immediately upon his appointment, Cuming had lost no time in making contact with the editorial fraternity in Nebraska. In July, 1854, shortly before he took his oath of office in Washington. he wrote to the editor of The Omaha Arrow saying that he expected to be in the Territory in three or four weeks.² That gentleman, in making this an-

¹ Harriet S. MacMurphy, "Nebraska Women in 1855", Proceedings and Collections of the Nebraska State Historical Society, II, 2nd Series (1898), p. 169.

² The Omaha (Nebraska Territory) Arrow, 28 July 1854.

nouncement, took the opportunity to proclaim Cuming's political leanings, enthusing, "We shall give him a hearty welcome as a brother chip, a sound democrat, and an important officer of our new Territory,"³ even though he did not manage to spell his name right.

No one seemed to mind much that Cuming did not arrive for at least eight weeks instead of the announced four. Actually his appearance in Nebraska was probably timed to coincide with that of Francis H. Burt of South Carolina, whom Franklin Pierce had persuaded to accept the gubernatorial chair. Burt came up from Nebraska City in a two horse wagon, arriving at Bellevue on the evening of October 6, 1854,⁴ and Cuming, having arrived in Council Bluffs, crossed the river and appeared in Bellevue the same day.⁵ C. Chaucer Goss, a contemporary on the scene, wrote later that the Indian Agency, ". . . a small house with two porches, was their headquarters. Here most of these functionaries ate their first meal and slept their first sleep."⁶ Cuming probably crossed over to Bellevue to be on hand to greet Burt, and he may have

³ Ibid.

⁴ J. Sterling Morton and Albert Watkins, Illustrated History of Nebraska (Lincoln: Jacob North and Co., 1907), I, p. 163, (note).

⁵ The Omaha (Nebraska Territory) Arrow, 6 Oct. 1854; C. Chaucer Goss, Bellevue, Larimer and St. Mary, Their History, Location Description and Advantages (Bellevue: John Q. Goss, 1859; reprint, Bellevue: The Bellevue Press, 1957), p. 9.

⁶ Ibid.

stayed there overnight. It is unlikely, however, that he brought his family with him at this time. A quick glance about the little village would have been all that was needed to convince him that they would stay in Council Bluffs. Bellevue had no hotel, and, by this time, probably even Omaha had more houses. As a result, Cuming established his family at the LaCledde House in Council Bluffs, and commuted back and forth to Bellevue,⁷ where Burt, who had arrived "in a feeble condition,"⁸ had been put to bed in the Presbyterian Mission house.

In Council Bluffs, Cuming had an interview with the editor of The Omaha Arrow during the course of which he impressed that gentleman with his good health and good spirits and delivered his first evaluation of Nebraska. The newspaper quoted Cuming as being, "agreeably disappointed with our beautiful territory,"⁹ and his phrase has a tendency to linger. It was a perfect, politic expression which actually said nothing, yet still managed to convey a sense of compliment while retaining a loyalty to the integrity of the speaker and his true impressions.

While Cuming was at the LaCledde House, he was undoubtedly contacted and harangued by various members of the Council Bluffs and

⁷ MacMurphy, loc. cit.

⁸ The Omaha (Nebraska Territory) Arrow, 13 Oct. 1854.

⁹ Ibid.

Nebraska Ferry Company in regard to the capital location. He was only the second territorial official, however, and had no authority over the decision of location. In addition, he had probably met Burt, the gentleman who did have such authority, for the first, or at best, the second time on the day of their arrival and, as a result, could not have been considered to have great influence with him.¹⁰

It is interesting, however, to note that one member of Cuming's family was, even this early, attached to the city of Omaha. Michael Murphy, the youngest of Mrs. Cuming's brothers who had accompanied them to the new territory, was appointed to the Omaha City Committee of Reception for the territorial officers.¹¹ Both Bellevue and Omaha were planning festivities of welcome for Burt and Cuming, which were really designed to introduce Burt to their respective virtues as a location for his capital. Michael Murphy was thus already closely associated with Omaha in being responsible for the planning of that town's gala.

Death of Francis Burt

The citizens of Bellevue may have been able to welcome Francis

¹⁰ Burt and Cuming may have met in Washington in August when Cuming was sworn in as Secretary on the third. Burt was appointed governor on August 2, 1854. Morton and Watkins, op. cit., p. 162.

¹¹ The Omaha (Nebraska Territory). Arrow, 13 Oct. 1854.

Burt as he pulled his wagon into their town, but the formal receptions planned by that city and Omaha were postponed, and never did come off.¹² As Burt was quite ill when he arrived in Nebraska, he went immediately to the Presbyterian Mission, where he was placed under the care of the Reverend William Hamilton, the mission head, and his wife. Doctors were summoned from Council Bluffs, and Burt improved enough to be sworn in to his office on October 16.¹³ Nevertheless, his condition worsened, and on October 18 Burt died, having been Governor of Nebraska Territory for two days.

The Position of Burt on Capital Location

During the period of his confinement in Bellevue, Burt had been visited by delegations from the various towns up and down the Missouri seeking his selection of their site as his capital. In the face of this popular effort to influence executive opinion, it is worth noting that the Kansas-Nebraska Act, the organic act for the Territory, did not empower the Governor to locate the capital permanently. Section 13 of that instrument stated,

That the Legislative Assembly of the Territory of Nebraska shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient,

¹² Morton and Watkins, op. cit., I, 163.

¹³ Morton and Watkins, op. cit., I, 163.

the Governor and Legislative Assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly.¹⁴

Essentially, the Governor was only empowered to select the site for the first meeting of the legislature, after which that body, acting with the cooperation of the Governor by virtue of his power of consent or veto over their legislation, was to select the site for the permanent seat of government. The organic act, then, certainly did not vest in the hands of the Territorial Governor the total authority for capital location--it even provided for removal after the first legislative location--but the authority of the Governor to select the original meeting place was viewed by most town promoters as precedent-setting. They reasoned that the capital, once located, would tend to stay put by virtue of the efforts of the city in which it first met to retain it, and the probable reluctance of the legislators to long postpone the construction of badly needed facilities to house the operations of the government. At worst, each town had two chances to obtain the capital, but the shrewdest and most aggressive of them were pressing their advantages to secure victory in the first decision.

The amount of civic and historical conjecture over the inten-

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The Statutes at Large and Treaties of the United States of America, 1 Dec. 1851 - 3 Mar. 1855, ed. George Minot (Boston: Little Brown and Co., 1863), X, p. 282.

tions of Francis Burt in the capital matter, and upon the effect of his death on the Territory in regard to this matter, is so voluminous as to nearly merit a bibliography all its own. When civic pride and sectional prejudice is stripped away from these reflections, the bare evidence indicates that Burt probably intended to convene the first legislature at Bellevue. It was the destination of his journey from South Carolina, a not insignificant fact in itself. In later years his son Armistead, who had accompanied his father to the new territory said, "The governor's intention was to convene the first legislature at Bellevue; I think the Rev. Mr. Hamilton had offered the mission house for the purpose. As to locating the capital I remember hearing him say he intended to choose a place that would, he hoped, be permanently the capital of the state. He intended to make Nebraska his home."¹⁵ This view of Burt's intentions was substantiated by Reverend Hamilton, who was with him during his illness and at his death. Hamilton recalled in later years a conversation with the dying man on the subject. From this conversation Hamilton concluded that Burt had settled on Bellevue as the meeting place for the first legislature, but that Burt also intended, when able ". . . to examine the country and select a site for the capital, which would be for the benefit of

¹⁵ Morton and Watkins, op. cit., I, p. 163, (note).

the Territory, rather than of any particular town or company."¹⁶ On the basis of these recollections, and guided by their conviction that the site of the first legislature would undoubtedly become the permanent capital, the citizens of Bellevue have traditionally felt that Burt's death cheated them out of the coveted prize.

This is probably so. It should be kept in mind that when Burt left the East early in September Bellevue was without a doubt the only known settlement of any substance in Nebraska. Although news of the great activity in Nebraska town speculation had undoubtedly reached the East, no one there could have known that this activity had progressed beyond the paper plat stage. There is good reason to conclude that both Burt and those officers in Washington who briefed him in regard to the new Territory were of the opinion that Bellevue would be the site of the first legislature sessions, simply because it was the only existing settlement of which they knew.

On his arrival, however, it cannot be doubted that the men of the Council Bluffs and Nebraska Ferry Company made known to Burt the advanced state of civilization in Omaha City, and this, coupled with the entreaties of the citizens of all of the other aspiring towns along the river, was probably responsible for his indication to Hamilton

¹⁶ Frank J. Burkley, The Faded Frontier (Omaha: Burkley Envelope and Printing Co., 1935), p. 91.

that he would survey the Territory before selecting a capital site. Burt was, after all, a very sick man. His primary interest in these first days could only have been to protect himself from the constant solicitations or disappointed angers of ambitious town promoters. This he could achieve most easily by remaining uncommitted, while, at the same time, promising a fair chance to all. Even if he had decided upon Bellevue, as it would seem he had, it is not likely that he would have proclaimed this decision when all of the circumstances are considered.

Gubernatorial Accession of Thomas Cuming

The organic act for the Nebraska Territory provided that ". . . in case of the death, removal, resignation or absence of the Governor from the Territory, the Secretary shall be, and he is hereby authorized and required to execute and perform all the powers, and duties of the Governor during such vacancy or absence or until another Governor shall be duly appointed and qualified to fill such vacancy."¹⁷ Thus Thomas Cuming became Acting Governor of Nebraska Territory on October 18, 1854.

His first acts in this capacity concerned the dead man: that very day he both telegraphed and wrote Franklin Pierce informing him

¹⁷ The Statutes at Large and Treaties of the United States of America, op. cit., p. 278.

of the sad occurrence¹⁸ and issued a proclamation to the citizens of the territory in which he informed them that Burt's body would be returned to South Carolina, and ordered, ". . . as a mark of respect and affection . . . and a sign of the public sorrow. . ."¹⁹ that the national colors in the territory be draped in mourning and that territorial officers wear crape upon the left arm for thirty days.²⁰ This proclamation was issued from Bellevue, and the same city was the scene of Burt's territorial funeral services, at which Cuming spoke with elegance and ". . . evidently under the deepest emotions of grief. . ."²¹

The Position of Cuming as Acting Governor

With unexpected suddenness Cuming found himself thrust into a position of eminence and authority--a position which he had surely dreamed of attaining, but could hardly have expected to receive so soon. The restless and ambitious citizens of Nebraska were not only startled and shocked by the death of Burt, but they were also deeply concerned lest this event delay the organization of government and leave the Territory steeping in an anarchical morass which would in-

¹⁸ James W. Savage and John T. Bell, History of the City of Omaha (New York: Munsell and Co., 1894), p. 538.

¹⁹ The Omaha (Nebraska Territory) Arrow, 20 Oct. 1854.

²⁰ Ibid.

²¹ The Nebraska (Bellevue) Palladium, 25 Oct. 1854.

vite violence and total disorder. There must also have been those citizens who regarded a possible delay in organization as an unbearable period of extended anxiety over the success or failure of their town investments and future wealth. Thus, no sooner had Thomas Cuming acceded to high station than he was set upon by an avalanche of humanity. Ordinary citizens urged him to commence the activity of government in order to avoid chaos, while town promoters sought his ear and ". . . plied, begged, pressed, entreated, assailed and even threatened . . ." ²² him in an effort to assist him in making what seemed to be the first essential decision to the establishment of government and order--the selection of a capital.

Thomas Cuming's life in the editorial and political whirlpools of Iowa now proved to be excellent preparation for the situation he faced. Many were the expressions of concern over whether or not he would be equal to tasks and decisions which had devolved upon him. Although perhaps a bit dismayed at the suddenness of his power, it is doubtful that Cuming himself ever shared these doubts, or flinched from the opportunity presented. The Omaha Arrow gave him an unqualified endorsement.

Secretary Cummings [sic] is on hand, and among us, and will proceed immediately to the organization of the Territory, which will be prosecuted with vigor and industry and

²² Savage and Bell, op. cit., p. 50.

there is no doubt that the Legislature will be convened this winter. Mr. Cumming [sic] is a man of indomitable [sic] energy and untiring perseverance, and from our personal knowledge of his character and view, we can assure our readers that no time will be lost in bringing about this event as soon as the circumstances of the case will admit.²³

The Nebraska Palladium, however, aware of the assaults by rival towns upon the new Governor seeking to influence him, aware of the forms of these assaults--threats, bribery, pleading,--and aware also that Cuming was living in Council Bluffs, virtually in the hands of the Council Bluffs and Nebraska Ferry Company, voiced its fears over his ability to cope with the situation, and added an ill-concealed threat of its own. Its editor wrote,

We are aware of the trying position in which the Governor is placed, but we hope he will prove himself competent to decide this question in such a manner, as to satisfy the just demands of the people of this Territory and to earn himself a reputation for disinterestedness, which shall enroll his name high in the niche of honor, and shelter himself from the withering rebuke with which people will visit him, if their interests are sacrificed to his own.²⁴

Cuming was well accustomed to newspaper threats, and, if he quailed at the prospect of his responsibility and its potential hazards, it was done privately, for he publicly took charge of the government promptly, with coolness and with competent resolution.

It was often argued, in later years, that Cuming both could

²³ The Omaha (Nebraska Territory) Arrow, 20 Oct. 1854.

²⁴ The Nebraska (Bellevue) Palladium, 15 Nov. 1854.

and should have declined assuming the responsibilities of the gubernatorial office because he had not been appointed to that office. The same reasoning held that, even if he felt impelled to assume the position as head of Nebraska, he should have waited for instructions from Washington before proceeding with the organization of the territory.²⁵ If such arguments were advanced to him at the time, Cuming would certainly have disregarded them. The provision of the organic act, cited above, made the duties of the Secretary in such circumstances, quite clear, and Cuming, who was a lawyer as well as a politician, would not have been ignorant of them.

If Cuming did not blanch at the prospect of leading the territory through its first days of organization, he did have some doubts about what was expected of him by men in Washington, beyond the obvious organization of the territory as stipulated by the Kansas-Nebraska Act. Burt and Cuming must have had at least a few conversations during the almost two week period which elapsed between Burt's arrival in Bellevue and his death. Cuming, of all people, would have been the most likely to be allowed to see and converse with the ailing governor. Whether or not they discussed anything beyond the procedures for organization must remain problematical. Burt may have confided to Cuming his inten-

²⁵ James M. Woolworth, Nebraska in 1857 (New York: A.S. Barnes and Co., 1857), p. 16.

tions regarding the pressing capital location issue, as many authorities have insisted he must have,²⁶ but he did not apparently take Cuming into his confidence in regard to his plans or instructions for the organization and governing of the territory. Indeed, Francis Burt must have travelled to Nebraska rather light. On October 19, 1854, Cuming felt impelled to address a letter to Franklin Pierce which is both revealing and a bit pathetic. In it he told Pierce that he had examined the effects of the late governor, but that he had found nothing which pertained to the duties of the executive office which Burt was about to take up save a few blank Treasury forms for disbursements.²⁷ Cuming concluded the letter by saying, "If any special instructions were given I should be glad to receive a copy from the proper depart. [ment] ."²⁸

While this letter may simply represent the cautious politician

²⁶ Addison E. Sheldon, Nebraska: The Land and the People (Chicago: The Lewis Publishing Co., 1931), I, 245.

²⁷ Francis Burt evidently left no papers at all, neither in Nebraska or South Carolina. His son, Armistead, who as a boy traveled with his father on the long journey both to and from Nebraska, left a large collection, but these, judging from a general description of their content, deal largely with his own adult career. They are held by the Duke University Library in Durham, N.C. E. Milby Burton, The Charleston Museum, Charleston, S.C., letter, 20 Apr. 1961, to the author; E.L. Inabienett, The South Caroliniana Library, Columbia, S.C., letter, 4 May 1961, to the author.

²⁸ Thomas B. Cuming, Bellevue, Nebraska Territory, 19 Oct. 1854, letter to Franklin Pierce, Washington, D.C., Executive MSS, Territorial

leaving no stone unturned to make certain he was following the wishes of his superiors, it does give evidence of the lack of communication between Burt and Cuming and of Cuming's sense that Burt may have had some special instructions. The organic act was quite precise and clear about the manner and technical procedures which were to be followed in organizing the territory; if Cuming thought he might need further instructions, it would indicate that he had gained from Burt the impression that such further instructions did actually exist.

The most significant insight to be gained from this letter, however, is the reflection it gives of Cuming's anxiety to please his superiors in Washington. This, together with the evidence of his character and his hopes for himself in Nebraska, establish a clear pattern in regard to the man and the capital question. Cuming was an appointed political official and, as such, knew well where the sources of both his power and prosperity rested--in Washington and with the men who had secured him the appointment and not with the people of Nebraska Territory.

That Cuming regarded his political future with unbounded optimism is clear from a statement he made in Keokuk at a Fourth of July celebration in 1853. Referring to the sectional conflict over slavery, and the role of the West in it, Cuming said, "With us . . . is the de-

cision of this great question--not with the whole people, . . . but on two or three more men from us, to hold the balance of power. . . ."²⁹

What young man of Cuming's interests, ability and stamp would not have wished to be or seen himself as one of those "two or three more men?"

But Thomas Cuming was also an individual man, interested in his own financial well-being, and willing to use his political good fortune to further that well-being. It is not likely, however, that Cuming would have been willing to risk sacrificing his political future for either the approbation of the citizens of a territory, or the somewhat nebulous financial rewards which he would receive if he allowed his decisions to be purchased by those citizens. On the spot bribery would have meant as little to him as the threat of popular disapproval. The clear course of his own best self interest was to attempt to discover the will and interests of those men in Washington to whom he owed his position, and, financially speaking, to attempt to cast his lot with theirs.

How little he actually knew of the interests of these men in the East is evidenced not only by his letter to Pierce, but also by the fact that he himself had become a shareholder in the Quincy Com-

²⁹ Thomas B. Cuming, "An Oration on the 71st Anniversary of American Independence, July 4, 1853," J. Sterling Morton Pamphlet Collection, Vol. 66, #15, Nebraska State Historical Society, Lincoln.

pany. This investment, so far as Cuming was concerned, was a shot in the dark. William A. Richardson of Illinois, who was associated with the company only by blood, was a Congressional representative from Illinois with whom Cuming had had no association in Iowa. J. W. Richardson's letter inviting Cuming to participate in the Company is obviously a letter addressed blindly, without the assumption of any previous knowledge of the plan on the part of the intended recipient. Cuming's decision to buy into the Company is ample evidence that he was not in the confidence of any group of eastern land speculators. Disappointed town speculators often charged later that Cuming was committed to a specific capital location when he arrived in the territory,³⁰ but these charges may be discounted not only because no one would have sought such a commitment from Cuming simply because he did not at that time possess the authority to make this decision, but also because he invested in the Quincy Company, a group whose only source of influence, so far as Cuming might have known, was a man whose confidence he did not share, a man he apparently scarcely knew, a man he had never served. If Cuming had known of any land interests on the part of men such as Henn, Dodge, or Jones, he would not have joined the Quincy Company which had no association with them. Rather he would have joined a group whose interests he would have been willing,

³⁰ Sheldon, op. cit., p. 245.

and even anxious to serve. Thus it would seem safe to assume that when Cuming became Governor of Nebraska Territory he was not only uncommitted on the capital location issue, he was also uninformed.

The Bellevue Purchase Plan

It was not long, however, before Thomas Cuming was made aware of some Eastern interests in the site of Nebraska's capital. An event described by the missionary, William Hamilton, must have constituted one of his first encounters with these interests,

After his [Burt's] death, and before his remains had left the mission, plans were made, and arrangements made to carry out those plans, to place the capital at Bellevue. These plans were talked over in the room where the corpse was lying, while I was opening the zinc coffin to fill it with alcohol and soldering it up again. The talk was intended to be blind, but I understood it well enough. It was between the Acting Governor Cuming and a man called Judge Green, who had before asked me the price of the mission reserve, four quarter-sections. The plan was to purchase it of the Board of Foreign Missions and then locate the capital there. Three, or perhaps four, were interested in this plan, the acting governor, the afore-said Judge, and a Mr. Gilmore. Judge Green was to ostensibly accompany the corpse to South Carolina, but to go to New York when the diverging point was reached and make the purchase. Judge Green had told me that he would give \$25,000 in gold for it, saying he did not wish me to think he was rich, but he could command the money in gold. I had asked \$50,000 for the reserve. He went to New York and agreed with the Hon. Walter Lowrie to give the \$50,000, but asked sixty days³¹ to consider. He was to telegraph at the end of that time.

The primary question is, of course, just who was interested in

³¹ Morton and Watkins, op. cit., I, p. 179-180, (note).

buying the Mission Lands. Reverend Hamilton's Mr. Gilmore cannot be further identified. His Judge Green must have been Barton Green of Ohio, whom Cuming did appoint to accompany the body of Francis Burt to the East, along with Burt's son, Armistead, Ward B. Howard of New York and two other men, friends and neighbors of Burt who had come with him to Nebraska.³² Most of this group did accompany Burt's body, first to Washington, D.C., where services were held, and then to his home in Pendleton, South Carolina. Some evidence of what Barton Green did in addition is contained in the following letter from John W. Forney, written to The Washington Evening Star on December 9, 1854.

"The following article is copied from the New York Times of Friday, and I ask a brief space in your paper to refute it:

'A BRAVE LAND SPECULATION--DOUGLAS AND FORNEY'S INTERESTS IN NEBRASKA (From the Cleveland Leader, Dec. 1)

Everybody likes late news, startling, immense news. Well, we have an 'item' that may make some people stare and pull their eyes open some. Our sources of information are direct, and we believe reliable. The collateral and circumstantial evidence thoroughly confirms the truth.

It seems that a co-partnership was formed last summer between Stephen Arnold Douglas of Illinois; Bird Chapman, ex-Special Mail Agent; Forney, editor of the Washington Union, and Clark of the House of Representatives; Joseph W. Gray, Postmaster of Cleveland, and William Green of Elyria, Ohio, and one other party, whose name we forget.

This Company of political brethern and immaculate patriots have secured the refusal of a \$50,000 purchase of Indian Missionary Reservation Lands in Nebraska Territory;

³² Morton and Watkins, op. cit., I, p. 164 (and note).

\$5,000 have been paid down as forfeit money, in case the Company should not pay the residue at the time stipulated. Since the death of Governor Burt, his Secretary Cuming, is acting Governor protem, until the President fills the vacancy. The influence of the land jobbers aforesaid is being concentrated on the President to induce him to appoint Cuming permanent Governor of the Territory. The understanding or bargain is, that in case the Company aforesaid succeed in having him returned as Governor, at the village of Belleville [sic] on the lands purchased by the Company, which, as a matter of course, will vastly enhance their value, to the emolument of the said Douglas, Gray & Co. The honesty and morality of the bargain and sale is a matter we will not stop here to review. It is enough to know that it [is] par excellence democratic, &c, &c.'

In the first place, I have entered into no co-partnership for any such purpose, with any of the parties named, or with any others. I never converse with Judge Douglas in reference to the subject alluded to, or to any similar object. I never saw Mr. Gray, of the Cleveland Plain Dealer, in my life, know him but by reputation as an able editor. I have never seen or heard from Mr. Chapman for a year. I never saw or met any such person as 'William Green, of Elyria, Ohio'. A gentleman named Col. Burton [sic] Green bore a letter of introduction to me from Acting Governor Cuming, and while in this city as one of the party escorting the remains of Governor Burt, I raised \$300.00 for him, to assist him in defraying the expenses of the removal of those remains to South Carolina, for which he gave a draft upon Governor Cuming. Not a cent of money have I advanced, or contracted to pay hereafter, in connection with any such co-partnership or 'scheme'. . . .

Pursued by calumny and [word illegible] by men I never injured in my life, I have refrained from noticing the myriad slanders of my enemies; but this fabrication is too gross to be passed over.³³

³³ The Omaha (Nebraska Territory) Arrow, 29 Dec. 1854. The item in the Arrow was copied from The Washington Star. As Forney's letter indicated, the newspaper item it contained was from The New York Times, which newspaper had picked it up from The Cleveland Leader of 1 Dec. 1854.

It is obvious that the Reverend Mr. Hamilton and Mr. Forney were talking about the same thing, although what one affirmed the other denied. The truth of the matter cannot be secured through documented evidence, but it can perhaps be rendered out by deduction from evidence.

Hamilton's account was written in 1884,³⁴ some years after the actual events it described took place. Its basic content, however, is substantiated by a March, 1855, item in The Nebraska Palladium, which said, "The vile speculators that undertook to locate the capital of Nebraska, tried to buy this site for the purpose of locating it here. They were unwilling to pay the price set upon it,"³⁵ It could not be truthfully said that The Palladium was an unbiased observer, but its report does give credence to the essence of the event narrated by Hamilton.

Historians, both those working in the area in the late 19th Century and those who have covered this material within the last ten or so years, have been inclined to credit Hamilton's reminiscences with veracity on the basis that he had no reason to distort the facts or manufacture the incident. This much is certainly true, Hamilton was not personally involved in the event--he did not own the land. He was a missionary stationed in Bellevue by a superior group in New York,

³⁴ Sheldon, loc. cit.

³⁵ Ibid., p. 246.

and it was this superior group which had claimed the land involved. Again the matter of loyalties becomes important, for Hamilton was neither involved with, beholden to, or dependent on the citizens of Bellevue or its prosperity for his personal success. He was dependent on the Presbyterian Board of Foreign Missions, and his account buttresses this loyalty. He not only tried to obtain a higher price for the land for the Board, but he also referred the would-be buyers to that group for final arrangements. It may be safely assumed that Hamilton did not have any ax to grind by damning Cuming or the speculators who were seeking to purchase the mission reserve, for the success or failure of their plans would have meant little to his personal future or interests. Hamilton did, after the capital was located, experience some hostility from the citizens of Bellevue because of his refusal to grant land to Cuming in order to secure the capital: an act, which in itself, testifies to his unimpeachability. He concluded his 1884 reminiscences about the matter by saying, "I have never regretted my refusal, though some of the citizens blamed me, but our board never blamed me . . .,"³⁶ This statement makes absolutely clear Hamilton's concern over the opinion of his board, and his lack of concern for the opinions of Bellevue's citizens, or her future. Thus it

³⁶ Morton and Watkins, op. cit., I, p. 180, (note).

would seem that Hamilton's statement of the event is probably accurate within the limits of the frailties of human memory and understanding.

A careful examination of Forney's letter of denial does not produce exactly the same result. Certainly the account of land speculation company copied from The Cleveland Leader which he included in his letter, is, if compared with Hamilton's statement of the affair, biased, fragmentary and inaccurate in detail. Not only was that paper apparently Whig in political sentiments, and therefore apt to be severely prejudiced against all Democrats in general and Stephen A. Douglas in particular, but its informant had some of his information badly garbled, while in other areas it was extremely incomplete. William Green of Elyria, Ohio, never did exist, and Forney was quite right in stating that he had never seen or met such a person.³⁷ In addition the paper's blithely forgotten sixth name, its somewhat incoherent statement of the conditions involved in the purchase plan, and the badly confused rendition of the name of the town of Bellevue, can only produce the conclusion that the information was obtained by the paper from someone who was not remotely familiar with either the Territory or the real circumstances of the attempted purchase. It

³⁷ The local history sources of Lorain County, Ohio, make no mention of William Green, nor is he listed in the county marriage records or any other records of the area now available. George P. Metcalf, The Lorain County Historical Museum, Elyria, Ohio, letter, 26 April 1961, to the author.

sounds, at best, third or fourth hand. But certain associations and similarities cannot be overlooked.

The pattern of the land speculation enterprise described by Hamilton bears a remarkable similarity in design to a previous one which Stephen A. Douglas had entered into in the Lake Superior region in Minnesota Territory.³⁸ Here again was Douglas, the head of a Senatorial Committee, deeply involved in organizing a territory--in this case Nebraska. As in the Minnesota episode, Douglas would have gained intimate knowledge of the geography, railroad prospects and general opportunities in Nebraska as a result of his service on this committee. Furthermore Douglas, because of his Chicago interests, was deeply concerned with a transcontinental railroad through the central part of the United States, and almost all of the surveys run for such a route at this time had recommended that it follow the Platte Valley to South Pass. Bellevue, so far as Douglas would have known in the summer of 1854, was not only one of two solitary settlements west of the Missouri River, but it was also the logical eastern terminal point for a transcontinental railroad, being that town located on the Missouri River at the shortest distance from the Platte Valley, and having a relatively easy access to that valley. If Douglas had been interested in speculating in Nebraska land, his interest would almost certainly

³⁸ See Chapter III, pp. 43-45.

have been at Bellevue.

The similarities do not end here, however. Douglas' employment of an agent to purchase land in Minnesota could be a mirror image of Barton Green in Nebraska; the presence of the name of John W. Forney in the alleged company could be an imprint repeat of the Minnesota venture. Forney and Douglas were close friends,³⁹ and Forney's small but profitable experience in Minnesota might have made him, as well as Douglas, extremely interested in a similar prospect in Nebraska. That they had been associated in a similar undertaking before lends at least some credence to the possibility that they may have been so associated in a second scheme.

It must be noted, however, that both Forney and Douglas categorically denied involvement in ventures such as this in Nebraska. In August, 1857, Douglas answered a charge that he had used his position as Chairman of the Senate Committee on Territories to further his own land speculation interests by writing to The New York Herald that, when he had become chairman, he had "... determined neither to purchase or own or become interested in any land, town lots or other property in any of the Territories of the United States, whilst I held that position. I have never departed from this rule."⁴⁰ George Fort

³⁹ George Fort Milton, The Eve of Conflict (Boston: Houghton Mifflin Co., 1934), p. 105.

⁴⁰ Ibid., p. 271, (note).

Milton, in whose Eve of Conflict this statement is quoted, adds this word of explanation, "He was not interested in any land bought from the Federal Government outside of Illinois."⁴¹ Douglas' statement is apparently untrue: he was made Chairman of the Committee on Territories in 1847 and his Minnesota speculation took place in 1853.⁴² Milton defines Douglas' denial of interest in Territorial land as being a denial of interest in public land, and, if it was upon this condition that Douglas made his disclaimer--as it must have been--then that denial would not only not exclude the possibility that he was interested in Bellevue, but, in fact, would seem to buttress the existence of that interest. The land which Barton Green had attempted to purchase in Bellevue was not public land, but had been already claimed by the Presbyterian Board of Foreign Missions.

Likewise, the statement by John W. Forney that he had ". . . entered into no co-partnership for any such purpose, with any of the parties named, or with any others," and that he ". . . never converse d with Judge Douglas in reference to the subject alluded to, or to any similar object," does not stand the test of inspection in the light of the Minnesota venture. Douglas and Forney were associated in a land speculation enterprise in Minnesota, and there is no doubt that

⁴¹ Ibid.

⁴² Ibid., p. 104.

they discussed it. What is more, it was a remarkably "similar object."

The primary difference between the Douglas-Forney enterprise in Minnesota and the alleged Nebraska syndicate is the presence of the Ohioans in the group. While William Green of Elyria, Ohio, did not exist, Barton Green of Ohio did, and he was in Nebraska in October, 1854, offering to buy the mission reserve in Bellevue. Furthermore, Forney did admit that he had seen Barton Green in Washington while the latter was escorting the remains of Governor Burt to South Carolina, and that he had raised money for Green to assist in meeting the expenses of that escort. Inasmuch as Thomas Cuming's original order establishing the escort had provided that its expenses be paid out of the territorial contingency fund,⁴³ it does seem unusual that Green would have sought further financial aid, if only in the form of an advance, from John W. Forney. The Treasury Department was located in Washington, and was not only the source of supply but also the primary authority for territorial expenses, according to the organic act of Nebraska.⁴⁴ It would seem that Green could have more easily obtained additional funds for this legitimate territorial expense by simply going to the Treasury Department, rather than by seeking aid from a

⁴³ Morton and Watkins, op. cit., I, p. 164.

⁴⁴ The Statutes At Large and Treaties of the United States of America, op. cit., p. 282.

totally disassociated citizen such as Forney, newspaper editor and Clerk of the House of Representatives.

Yet if Forney had actually been associated in a land speculation enterprise with Douglas, Chapman, Gray and Green, it would seem that the latter gentleman would not have needed a letter of introduction from Thomas Cuming. On the other hand, it would not have been without the realm of possibility that Green, as agent for the group in the territory, might not have known Forney. The possibility that the "letter of introduction" from Cuming was no such thing cannot be discounted in view of Forney's apparently loose interpretation of truth. The letter could easily have been a communication from a distracted Cuming, suddenly governor and suddenly aware of a plan to purchase land in Bellevue in the expectation that the capital would be located there, suddenly aware of a possible break-down in the plan because of Hamilton's demand for a \$50,000 purchase price, and badly in need of information and advice. Forney would almost certainly have been the man in the syndicate to whom Cuming would have addressed such a letter for he is the only one, outside of Green himself, that evidence indicates Cuming knew in 1854.⁴⁵

These, however, were not Barton Green's only activities either in or out of Nebraska in that fall. An item in The Council Bluffs

⁴⁵ See Chapter III, p. 45.

Chronotype of December 27, 1854, mentioned that Green had preceded Bird B. Chapman to Nebraska from Ohio, and had spent his time in the territory trumpeting Chapman's fame and building support for him in the prospective election for Delegate to Congress.⁴⁶ Chapman, who was from Elyria, Ohio, came to Nebraska sometime prior to November 3, 1854,⁴⁷ and promptly set about campaigning in the territory for that office. He was defeated in this effort, and promptly returned to Ohio. In 1855, however, he came back to try again, and this time managed to wrest a contested seat from Nebraska's electorate. In Washington to take up his official duties, Chapman wrote to Thomas Cuming of his journey and arrival,

At Cleveland our mutual friend, Gray, of the "Plain Dealer" met me at the cars and accompanied me on to this city and is rooming with me at Willard's. You can hardly conceive of the interest there was among all to know whether I was really elected . . . On the first day of the session when the roll was called Forney called my name as Delegate from Nebraska. For this Horace Greeley who is here had come down on him in the N. Y. Tribune declaring that it was bad enough to call Whitfield without calling me who was not elected. You can thus see the relief my arrival brought to Forney and our friends generally . . . Mr. Harris told me he had just passed through Terre Haute, [sic] Ind. where Douglas is and where he has been very sick, and that Douglas had expressed the greatest anxiety over my success.⁴⁸

⁴⁶ The Council Bluffs (Iowa) Chronotype, 27 Dec. 1854.

⁴⁷ The Omaha (Nebraska Territory) Arrow, 3 Nov. 1854.

⁴⁸ B.B. Chapman, Washington City, D.C., 9 Dec. 1855, letter to Thomas B. Cuming, Omaha, Nebraska Territory, Thomas B. Cuming MSS, Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

The tone of intimacy in this letter makes very clear the possible link between the Ohioans supposedly associated in the land speculation scheme in Nebraska and Forney and Douglas--it was Chapman. Forney's statement in 1854 that he had not seen or heard from Chapman for a year means very little in view of the close association Chapman's later letter indicates. In addition, it must be considered interesting that Douglas, a Senator from Illinois, should express great anxiety over the outcome of a contested seat for Delegate to the House of Representatives from Nebraska Territory.

The only remaining figure in Forney's disclaimer of interest in Nebraska is Joseph W. Gray, Postmaster of Cleveland and editor of The Cleveland Plain Dealer. Forney denied knowing Gray in 1854, and there is no evidence to refute this. But Gray must have known someone in Washington--the job as Postmaster of Cleveland was an appointive one of considerable magnitude, and must have required considerable influence to obtain.

In view of the above deductive evidence it would not seem immoderate to conclude that Thomas B. Cuming, when he assumed the duties of Acting Governor of Nebraska, was quickly made aware of the existence of a company of men in the East who were interested in purchasing the claims of the Presbyterian Board of Foreign Missions to four quarter-sections of land in Bellevue for the purpose of land speculation incident to that city's becoming the capital of Nebraska and the eastern

terminus of the Pacific railroad. The most likely candidates for the company of this group are Stephen A. Douglas of Illinois, John W. Forney of Pennsylvania, Joseph W. Gray, Bird B. Chapman and Barton Green of Ohio.

The Nature of a Dilemma

In Nebraska Thomas Cuming was faced with the necessity of stalling for time until Barton Green completed negotiations in the East. His position at this time can only be regarded as extremely difficult. With the speculative hounds of every ambitious town on the Missouri River baying at his heels, Cuming had no choice but to fend them off, and remain uncommitted. It would not be difficult to imagine the pressures to which he was subjected during this period of enforced waiting. Many men, some of them having great influence, had invested substantial amounts of capital in strategically located land, which they hoped would make their fortunes by being selected the location of the capital. In their eyes, Cuming now had the authority to make or unmake their dreams and their futures. As a result, they left no avenue of approach to him unfilled: the forms of their pressure on him ranged from public to personal benefits, from friendship to threats of personal violence.⁴⁹ Under such trying circum-

⁴⁹ Legislative Assembly of the Territory of Nebraska, 5th Sess., Council Journal, 21 Sept. 1858 (Nebraska City and Omaha City: Theodore H. Robertson and Thomas Morton, 1859), p. 30.

stances, Cuming had not only to maintain a calm and impersonal position, but he had also to initiate the organization of the government of the territory. It was a considerable tribute to the man, as well as a testimony to the effectiveness of his Iowa training, that, despite his youth, he was able to confront this situation with equanimity and effectiveness. Almost every contemporary spoke of Cuming, at this time, as being possessed of resolution, courage, decisiveness, calmness, courtesy and tactical skill.⁵⁰

If Cuming's public posture remained serene, one must wonder about his private reactions. An assured and optimistic man, he undoubtedly viewed his opportunities and responsibilities as acting governor with confidence. But his hopes for his personal future could not be so easily self-resolved. The office of acting governor could only be a temporary one--Pierce would soon appoint a successor to Burt. Cuming would have been less than human had he not harbored aspirations for this appointment. Certainly he regarded himself as fitted for the job, but, once again, it was an appointment that would not come to him without an effort. His position as the sole remaining executive authority in the territory precluded his leaving for Washington to push his cause. The clear course of his duty, under the circumstances,

⁵⁰ Morton and Watkins, op. cit., p. 173; James M. Woolworth, "Eulogy for Thomas B. Cuming," Transactions and Reports of the Nebraska State Historical Society, IV (1892), p. 82.

was to stay in Nebraska and perform the job he had been appointed to do, which, through a quirk of fate, had become that of chief executive for the territory.

Undoubtedly he wrote to friends in Washington soliciting their assistance in his cause, and perhaps Barton Green made efforts in this direction while he was in Washington with Burt's funeral escort.⁵¹ Beyond this, however, Cuming was forced to rely on local forces. Newspapers in the region, particularly those in Omaha and Council Bluffs where men had good reason to wish to curry favor with him, began to promote his name. The Omaha Arrow, the organ of the Council Bluffs and Nebraska Ferry Company, reprinted an item from The Fairfield Sentinel, the journalistic enterprise in Bernhart Henn's home town, which said, "It would give us much pleasure to hear that the President had promoted Secretary Cuming to the post of Governor."⁵² To this puff, The Arrow added its own endorsement by saying, "His many friends here would heartily rejoice at such a deserved promotion, . . ."⁵³ But no town or newspaper was willing to stand for Cuming without reservation,⁵⁴ for, after all, Pierce might appoint someone else, and that new gover-

⁵¹ The Nebraska (Bellevue) Palladium, 27 Dec. 1854.

⁵² The Omaha (Nebraska Territory) Arrow, 10 Nov. 1854.

⁵³ Ibid.

⁵⁴ Ibid.

nor would be the one to make the capital location. It would not do to have been committed to the loser in the race.

In reality, Cuming had only himself to rely upon to secure the gubernatorial appointment, and he had two avenues of action open to him. The first was the use of his temporary position as governor to obtain local individual allegiance and support. The office of territorial governor carried with it an enormous amount of patronage, as well as an enormous authority over the expenditure of federal funds in the territory. He was empowered, for example, to appoint all township, district and county officers, among others, and had charge of the expenditures for the construction of a capital building.⁵⁵

Whether or not Cuming made use of these favors which were, and would be if he were appointed governor, within his dispensation, to buy support for his cause cannot be certainly determined. He was, however, accused of doing so. The Nebraska Palladium contained an article on December 27, 1954, which made these, and other, charges. "You promised offices in and out of your gift--seats in the Legislature, clerkships of divers kinds, even appointments at the disposal of the General Government, such as Receivership and Registership of the Land Office, to be established, and above all, the Secretary-

⁵⁵ The Statutes At Large and Treaties of The United States of America, op. cit., pp. 280, 283.

ship of the Territory, should you succeed in disgracing the Gubernatorial Chair, by attaining to it."⁵⁶ Although the item in The Palladium must be somewhat discounted because of its writer's bitterness toward Cuming, it would not seem unlikely that Cuming would have attempted to use the gifts of patronage within the province of his office, either as acting governor or as governor, to secure assistance in obtaining the appointment. Such reciprocal agreements were standard in the nineteenth century--as they are in the twentieth--and Cuming was thoroughly familiar with their application as a result of his experiences in Iowa politics.

The second avenue of action open to Cuming to assist his efforts to obtain the governorship rested in the performance of his current duties in Nebraska in a manner which would both please and encourage those men in Washington who had an interest, financial or political, in the Territory. Cuming could best do this by meticulous attention to the legal requirements of his office, and by the use of that office to advance the interests of whichever man he thought might be disposed to push his hopes before the President. It was not difficult for Cuming to both see and do all that was required of him as acting governor with efficiency and care for the letter and the intent of the law. It was more difficult for him to resolve his atten-

⁵⁶ The Nebraska (Bellevue) Palladium, 27 Dec. 1854.

tions to the personal interests of Washington politicians, without alienating any of them.

Undoubtedly his mind was focused upon those men who had been instrumental in obtaining the appointment as Secretary for him: Jones, Dodge, Henn and Forney. George W. Jones and Augustus C. Dodge were no problem; neither apparently had any financial interest in Nebraska, and their political interests centered primarily on the transcontinental railroad. Jones was a single minded politician--Iowa was his only concern.⁵⁷ His interest in railroads, as a consequence, centered around routes in that state, and even his interest in the Pacific road did not often extend beyond its Iowa trackage. Once the railroads through Iowa reached Council Bluffs, as all of the plans which Jones proposed up to this time did,⁵⁸ he ceased to care where they ran in Nebraska. This is not to say that Jones was unconcerned with the transcontinental route--he was vitally interested in its attachment to the Iowa lines at Council Bluffs--it is only to say that in 1854

⁵⁷ Kenneth W. Colgrove, "The Delegates to Congress from the Territory of Iowa," The Iowa Journal of History and Politics, VII (1909), p. 237; Lucius H. Langworthy, "Dubuque: Its History, Mines, Indian Legends, etc.," The Iowa Journal of History and Politics, VIII (1910), p. 404.

⁵⁸ John C. Parish, George Wallace Jones, Iowa Biographical Series, ed. Benjamin F. Shambaugh (Iowa City: The State Historical Society of Iowa, 1912), pp. 38-42.

he probably did not care whether that attachment came via Bellevue, Omaha, Florence, or even Kansas, as long as Iowa was on the main line and the connection was at Council Bluffs.

Dodge was even easier to satisfy. A thorough westerner, Dodge was primarily interested in the small farmer, and in the railroad as a means of opening up additional land for small unit agricultural use by its provision of access to market.⁵⁹ While Dodge was not so obtuse as to fail to champion a transcontinental route which would run through his home state--his preferred route was the Platte Valley, running from some point in Iowa on the Mississippi River to Council Bluffs and on to the Pacific Coast via Fort Laramie and South Pass--he was actually so sold on the need for a railroad that he was willing to support it no matter where it ran.⁶⁰ From these two gentlemen, then, Cuming could gain no clear directive to the sources of their approbation other than that they both wanted, in varying degrees of intensity, the eastern terminus of the Pacific railroad in Council Bluffs.

Bernhart Henn, Iowa's congressional delegate, was another matter altogether. Whether Henn had been as useful to Cuming in securing

⁵⁹ James C. Malin, The Nebraska Question, 1852-1854 (Lawrence: Privately printed, 1953), pp. 450-451.

⁶⁰ Louis Pelzer, Augustus Caesar Dodge, Iowa Biographical Series, ed. Benjamin F. Shambaugh (Iowa City: The State Historical Society of Iowa, 1908), p. 168.

the appointment as Secretary of Nebraska as Dodge or Jones had been is doubtful, for his political prestige and contacts were considerably less powerful than theirs. His interest in Nebraska, and the site of her future capital was, however, clearly defined and without question. Henn was an economically oriented politician, tending to view all issues from the standpoint of commercial advantage to his constituents and to himself. This view was especially apparent in his attitudes toward Nebraska.⁶¹ However, it was not only Henn's political interests that were involved in Nebraska, but his personal financial interests were also involved. As a member of the Council Bluffs and Nebraska Ferry Company, Henn was one of the owners of Omaha: one of the on-the-spot speculators who had invested capital in a town site in anticipation of its being selected the capital of the Territory and the eastern terminus of the Pacific railroad. Furthermore, Henn's interests in commercial enterprises in Council Bluffs only intensified his involvement in Nebraska, as the two areas were interdependent. Henn was absolutely and openly committed to wanting the capital of Nebraska in Omaha City in order to preserve and advance his financial interests both there and in Iowa, and Cuming could hardly have contemplated locating Nebraska's capital in any other city without simultaneously contemplating the irrevocable loss of Bernard

⁶¹ Morton and Watkins, op. cit., I, pp. 150-152.

Henn's friendship and patronage.

Running directly counter to the interests of Bernhard Henn in Nebraska were, apparently, those of Stephen A. Douglas and John W. Forney. Cuming could easily please Douglas' political ideals by the prompt and effective organization of the territory along the lines and in the spirit of the Kansas-Nebraska Act.⁶² His lack of concrete knowledge of the extent and seriousness of Douglas and Forney's personal financial interests in the Territory, however, would have made it rather difficult for him to act in the capital location matter with any degree of assurance that he would serve those interests. Cuming was, without a doubt, aware, after Burt's death and his discussion with Green of the plan to buy Bellevue lands, of Douglas' and Forney's prospective desire to speculate in Nebraska. But they, unlike Henn, were not already committed to any one site by virtue of an existing investment. If the purchase arrangements in New York were carried out successfully, then Cuming's choice would be clear: Bellevue or Omaha--Forney and Douglas or Henn. In the meantime he could not risk the displeasure of any of the three--all or any one of whom might be useful to him in obtaining the gubernatorial appointment.

Cuming was a practical politician and an ambitious man. There can be no doubt that he would have considered it both his duty and his

⁶² The Life of Stephen A. Douglas (New York: Derby and Jackson, 1860), pp. 95, 142.

right to grant the capital location to that man or men who either did or would best serve him in obtaining the appointment as governor of Nebraska. While the potency of influence of none of the four would have been discounted by Cuming, he was basically concerned with evaluating the potential effectiveness of two: Henn and Forney. Douglas, although politically powerful, had little influence with Pierce, and Jones and Dodge could be cast in the roles of dispassionate observers, although the general inclination of their interests would have made Henn's leverage on Cuming have a bit more bite. Essentially Cuming had only to reckon with two.

Bernhart Henn was a Congressional Delegate who was sometimes consulted by Pierce on matters of Iowa patronage, but he did not have ready access to the ear of the President, or any other powerful man in Washington. In truth Henn was a small calibre politician whose interests and prestige extended little farther than the boundaries of his own state. His prospects for future power were limited, especially in view of the rising anti-Democratic sentiment in Iowa. Furthermore, his prospects for future financial wealth were dependent on Thomas Cuming and the selection of the site for a territorial capital. Thomas Cuming most surely saw that, while there was a great deal that he could do for Henn, there was not much, relatively speaking, that Henn could do for him.

John W. Forney was another matter. Forney was not only close

to the current President of the United States, but he was also close to Douglas, whose political prospects, in 1854, were still exceedingly bright. For Cuming, with his eye on the "temple of fame shining resplended at the summit" of political prominence, this would have been a potent consideration. Forney was in a position to materially aid Cuming in his quest for the immediate goal of the governor's chair, and he also offered the prospect of untold future political prominence through the access he provided to Douglas, a man who seemed destined for the Presidency of the United States.

Therefore, if Bernhart Henn, or other members of the Council Bluffs and Nebraska Ferry Company approached Thomas Cuming in the fall of 1854 with the offer of support for the governorship and shares in the town of Omaha in return for the location of the capital of Nebraska there, it would not have been likely that Cuming would have done more than listened politely and promised a fair decision. If John Forney and Stephen Douglas were successful in obtaining the mission land in Bellevue, the capital of Nebraska would be in Bellevue, perhaps even without the reward of the governorship to Cuming..

At this time in his life, Cuming's personal financial interests were, without a doubt, a secondary consideration. He probably had lost the last shred of interest in the Quincy Company and their little town of Fontenelle on the day he learned of the Bellevue purchase plan. It would not have been likely, either, that he would

have taken any financial interest in any other town at this time.

Wealth was contingent upon the capital location, and he was in authority over that location. Land in Omaha or land in Bellevue, business in either place, would have held little fascination for him until the capital issue had been decided.

Later historians have said that Thomas Cuming, when he acceded to the office of Territorial Governor of Nebraska, was uncommitted and had an open mind in regard to the capital location question.⁶³ This is partially true, but it would be more accurate to say that his mind was not open, not uncommitted, but that it had just not been made up for him.

⁶³ James C. Olson, J. Sterling Morton (Lincoln: University of Nebraska Press, 1942), p. 42.

CHAPTER VI

THE LOCATION OF THE TERRITORIAL CAPITAL

The Delay of the Capital Decision

The character of the existing and prospective interests in which Thomas Cuming found himself involved when he became Acting Governor was such that only time and future developments could resolve the tangle. If a further indication of the reality of the plan to purchase Bellevue for the capital site is needed, it is contained in the lapse of time which occurred between Cuming's accession and his proclamation convening the legislature at Omaha--October 18 to December 20.¹ Had Cuming been dealing only with local interests, had he come to Nebraska committed to the capital at Omaha, had the Omaha promoters been successful in their initial attempts to persuade his decision in their favor, even had he been acting freely, without the knowledge of or concern for any other interests save his own integrity, there would have been no reason for the delay. Cuming was a decisive man and would have had little difficulty in making up his mind on the subject had only his own and local factional interests been involved.

In addition there were powerful forces at work in the Terri-

¹ The Omaha (Nebraska Territory) Arrow, 29 Dec. 1854.

tory itself which would have made a prompt decision desirable. The intense concern on the part of all town promoters could only be increased by delay; yet, in view of the fact that all but one group would ultimately be disappointed, it would have been more efficacious to end their agony quickly, breast the storm of their resentment, mend fences and get on with the business of laying out a unified government. Delay in the decision would only heighten the rivalry, increase the potential for disorder, and delay the moment when the territory would be tranquil, orderly, and ready for the business of the future. All in all, a sudden-death type decision would have been far the healthiest for promoters and territory alike, and Cuming, with his deep concern for the intent and letter of the act establishing Nebraska Territory, could not have failed to see this.

But the Bellevue purchase plan made such a prompt decision impossible. Until Cuming knew the outcome of the negotiations in the East, he could do nothing about the capital. Barton Green left with the Burt funeral escort, and he saw John W. Forney in Washington² and Walter Lowrie, the head of the Presbyterian Board of Foreign Missions, in New York.³ The trip must have taken a bit over a month to complete,

² Ibid.

³ J. Sterling Morton and Albert Watkins, Illustrated History of Nebraska (Lincoln: Jacob North and Company, 1907), I, p. 179, (note).

and during that time Cuming was forced to fend off speculators and commence the organization of the Territory without a capital.

The Census and Territorial Districting

During October and November Cuming set in motion the operations which were necessary to the formation of the government, according to the organic act. The first of these was an enumeration of the inhabitants of the Territory--information essential to the apportionment of the area for purposes of legislative representation.⁴ On October 21, 1854, Cuming issued his second executive proclamation, announcing that a census would commence on October 24, and would be completed, as nearly as possible, within four weeks. The proclamation further stated that, upon completion of the census, " . . . notices will be distributed for the election of a Delegate to Congress, and of a Territorial Legislature to convene this winter."⁵

Cuming divided that portion of the Territory which had been ceded to the United States by the Omaha and Otoe treaty of March 16, 1854,⁶ into eight counties: four north and four south of the Platte

⁴ The Statutes At Large and Treaties of the United States of America, 1 Dec. 1851 - 3 Mar. 1855, ed. George Minot (Boston: Little Brown and Company, 1863), X, p. 278.

⁵ The Omaha (Nebraska Territory) Arrow, 20 Oct. 1854.

⁶ Arthur C. Wakeley, ed., Omaha: The Gate City and Douglas County, Nebraska (Chicago: The S.J. Clarke Publishing Company, 1917), I, p. 64.

River. For purposes of the census and the election he grouped these rough county divisions into six districts. Three of these districts were located south and three north of the Platte River; the first being roughly equivalent to Richardson County, the second to Pierce and Forney counties, the third to Cass county, the fourth to Douglas county, the fifth to Dodge county, and the sixth to Washington and Burt counties.⁷ At the same time Cuming appointed six deputy marshals to perform the work of the census, among whom was his brother-in-law, Michael Murphy, sent to count the inhabitants of the third district.⁸ The census instructions further provided that these enumerators should report the results of their work on November 20 to either the Omaha postmaster or to the Governor, at the mission house in Bellevue.⁹

In these provisions for the census, Cuming seems to have acted with detachment and fairness. Aware of the budding sectional rivalry between the north and south Platte regions, Cuming was careful to give them equal census and election districts, and thus reassure all of the opportunity for equal representation in the legislature, limited only by population. His proclamation gave ample notice of the impending census so that all interested citizens who might have been absent from

⁷ Morton and Watkins, op. cit., I, p. 180.

⁸ Ibid., p. 174.

⁹ Ibid.

their settlements would have time to return to them. He allowed four weeks for the completion of the work--ample time, in fact a great deal of time, for a thorough job, considering that all of the districts were located along the eastern fringe of the Territory. The item which is of primary interest, however, is that which provided for the completed census to be returned to either Omaha or Bellevue. Cuming was bending over backwards to maintain equality of importance between the two rival towns. Of even greater interest is the testimony given that, on the 26th of October when these instructions were issued,¹⁰ Cuming himself expected to be maintaining his executive office in Bellevue at the end of November. No further evidence is needed to confirm the opinion that he had not, this early, settled on locating the capital in Omaha.

A Visit to the South Platte

With the census started, Cuming left Bellevue for a tour of the Territory south of the Platte River.¹¹ The apparent object of this trip was to fulfill Francis Burt's pledge that he would locate the capital only after making a survey of the towns interested in order that he might make a fair decision.¹² Cuming was accompanied on

¹⁰ Ibid.

¹¹ The Nebraska (Bellevue) Palladium, 25 Oct. 1854.

¹² Morton and Watkins, op. cit., I, p. 179, (note).

his trip by Mark W. Izard, United States Marshall for the Territory, A. W. Hollister of Bellevue and J. W. Pattison of Omaha.¹³ He visited "Plattsmouth, Otoe and Nebraska City,"¹⁴ and the group returned on October 27, having left sometime after the 21st. It was a short excursion but Cuming must have seen as much of the country as he cared to, and he declared himself "highly pleased" with the region on his return.¹⁵

This event was a clear diplomatic maneuver designed not only to keep Burt's deathbed promise and publicly assume, by doing so, the mantle of his administration and his posture of impartiality, but also to make contacts and build friendships in the area. The region south of the Platte river was obviously, even without the benefit of a census, the most populous in the Territory. It was also not going to get the capital--Bellevue and Omaha both lay north of the river. These twin realities made the south Platte an area to be reckoned with, for it could be a powerful adversary as the disappointed capital section. The better part of political wisdom dictated that the executive should make himself known there, should identify himself with the area as far as was possible, before he struck the blow that would destroy their

¹³ The Nebraska (Bellevue) Palladium, 25 Oct. 1854.

¹⁴ Ibid.

¹⁵ Ibid.

hopes. Cuming made no such journey through the region north of the Platte, not even to Fontenelle where he may still have had a financial interest. But the north Platte region was sparsely occupied, and was furthermore not likely to be so alienated by the location of the capital at Bellevue or Omaha since either location would not impair their access to the seat of government, but would rather enhance their communities by drawing activity to their general region.

A finer detail worth a special glance was the presence of a representative from both Bellevue and Omaha on the tour. It would be delightful to know whether these men accompanied Cuming on his invitation or at their insistence. Were they spies sent by the inhabitants of the two cities to keep an eye on the Governor and his actions, or were they representatives brought along as part of the diplomatic maneuver to produce territorial unity and peace once the capital decision was made? Either possibility produces the same conclusion: that both cities still had good reason to believe that they were in the running, but that neither was certain of victory, and that Cuming himself was not able to choose between the two.

The Davis Letter

When Cuming returned to Bellevue he took time to write a revealing personal letter. On October 29 he sent a hasty note to an old Keokuk friend, Caleb F. Davis, which throws considerable light on Cuming's personal view of at least one area of his opportunity in

Nebraska. Written from Council Bluffs, the letter burst with an enthusiasm and indiscretion which can only be described as youthful. To Davis he said,

"If you wish, I will secure you an important interest in the future capitol [sic] of Nebraska - almost at your own terms. Don't mention this, but consider it as done. When you come you will find it so - or, at all events you can have property at your own terms and the original prices. You can have more or less as you please. . . . Come in the Spring at all events. I will attend to your interests till you reach here. There is a greater opening for speculation than you can conceive and if you and other Keokuk men had accepted the offer I once made, you would have secured fortunes. But, this aside - come in the Spring or sooner if you can and depend upon me to do everything I can for you.¹⁶

Careful analysis of this letter produces no insight into Cuming's intentions as to the location of the "future Capitol," but does indicate the degree to which he was aware that his position provided him with advance and advantageous knowledge of this location. He failed to identify the character of the "interest" he offered to secure Davis--it could have been shares in the Council Bluffs and Nebraska Ferry Company or shares in the Bellevue land group.

His statement that Davis could have property at his own terms and the original prices is even more ambiguous. Omaha land was solidly owned by the Council Bluffs company, and there would be very little there for the average speculator to claim at the "original price" of

¹⁶ Thomas B. Cuming, Council Bluffs, Iowa, 29 Oct. 1854, letter to Caleb F. Davis, Keokuk, Iowa, Vol. 5, Caleb Forbes Davis MSS, Keokuk Public Library.

\$1.25 per acre. If the capital were located in Omaha, Cuming probably anticipated a gift of some land to himself but, unless he was willing to share a part of this gift with Davis, it does not seem likely that Cuming could have secured Omaha company land for him at the "original" price. The Council Bluffs and Nebraska Ferry Company had a fair sized group of owners, all of whom had friends and favors to buy. Cuming had a family on the spot, obviously there to participate in his good fortune. Neither the Company nor Cuming were exactly eleemosynary institutions, and there would have to be a line drawn somewhere. However, Cuming's offer to Davis seems equally over-optimistic when viewed in the light of a possible capital location at Bellevue. There, where Cuming perhaps also had the prospects of a land donation, the prospects for Davis to have secured Mission Reserve land were dim indeed. The Bellevue group was negotiating to pay \$78.12 per acre, and, while they might have been willing to give some of this to Cuming free or at a reduced cost, they most certainly would not have been agreeable to extending this privilege to odd friends of the Governor, nor would Davis, who was young and employed as a clerk in a wholesale grocery firm in Keokuk,¹⁷ have been either prepared or able to meet this high "original cost."

¹⁷ Thomas B. Cuming, Omaha City, Nebraska Territory, 1 Mar. 1855, letter to Caleb F. Davis, Keokuk, Iowa, Vol. 5, Caleb Forbes Davis MSS, Keokuk Public Library.

Cuming's offer to Davis therefore, seems to settle down having been an offer to use his knowledge of the capital location to pre-empt public land at that site, wherever it was, before public knowledge of the location increased its value. While, in the case of both Bellevue and Omaha, the prime land was already in the hands of private citizens, Cuming could have selected strategically located land bordering these claims for Davis, and this might reasonably have been expected to become enormously valuable.

Beyond the nature and the implications of the offer Cuming made to Davis, is the interest this letter holds as a view of the personality of Cuming himself. Not only does it communicate, with a breathlessness that spans the century, the aggrandizing instincts of the man, but it also reveals his willingness to use his new position to secure friendship and approval. The phrase, " . . . if you and other Keokuk men had accepted the offer I once made, you would have secured fortunes," is both boastful and untrue: no one had yet secured a fortune in Nebraska. It implies that the writer believed these men had been shortsighted in the extreme in their estimate and confidence in him. Thomas Cuming seems to have had his price, and that price was not always definable in terms of money.

One further observation must be made concerning the Davis letter, and that is in regard to the wisdom of the Governor of Nebraska Territory writing it. Cuming himself seems to have been aware

of the potential for misinterpretation which the offer presented, for he said, "Don't mention this," but he wrote and sent it anyway. Essentially Cuming was offering to use his position as Acting Governor for the pecuniary advantage of a friend. This, in the nineteenth century, was not exactly unusual. It was, however, politically indiscreet in view of the nature and intensity of the capital struggle in the new territory. In October of 1854 Cuming's position both in the governor's chair and in the hearts of the citizens of the Territory was not so secure that he could risk public knowledge of such an act. At a time when his provable conduct should have been absolutely circumspect for the sake of his own future welfare, he wrote a letter which, at best, must be categorized as intemperate. Thomas Cuming was an experienced politician and should have known better, but he was also very young, and his experience, apparently, had not a great deal of depth.

Bird B. Chapman's Arrival

As November approached and Thomas Cuming worked at apportioning the territory, he engaged his leisure time by ceremonially pulling the first proof sheet for the first issue of the first newspaper, The Nebraska Palladium, to be printed in the territory,¹⁸ (it had been previously turned out in St. Mary, Iowa), and by greeting Bird B. Chapman,

¹⁸ J. Sterling Morton, "Territorial Journalism," Proceedings and Collections of The Nebraska State Historical Society, V, 2nd Series (1902), p. 17.

of Elyria, Ohio and the Bellevue land syndicate. Chapman arrived sometime prior to November 3, 1854, and promptly set out on a tour of the territory in pursuit of votes for his election as Nebraska's Delegate to Congress. In the course of his campaign through Nebraska, Chapman was careful to call upon the editors of both The Omaha Arrow and The Nebraska Palladium. No significance can be drawn from this fact, however, since Chapman was a politician seeking election, and he would have been short-sighted in the extreme to have failed to curry favor with every possible editor.¹⁹ While Chapman was one of the group which was supposedly interested in the purchase of the Mission Reserve in Bellevue, it is not likely that he could have brought Cuming news of the results of negotiations for that purchase. In order to arrive in Nebraska around the first of November, he would have had to leave Ohio very nearly at the same time Burt died, and well before Barton Green would have arrived in the East. Chapman was probably as much in the dark as Cuming about the outcome of the negotiations but at least he was one of the partners, and, as such, moral support for the hard-pressed Cuming.

Apportionment for the Territory and Additional Problems of Districting

The problems of districting and apportioning the territory for

¹⁹ The Omaha (Nebraska Territory) Arrow, 3 Nov. 1854; The Nebraska (Bellevue) Palladium, 15 Nov. 1854.

the first election must have occupied much of Cuming's time during November. The increasing rivalry over the capital plum between the sections of the Territory, laying north and south of the Platte River made it quite apparent that the make-up of the first territorial legislature would be essential to the success of any capital location he might make. Under the Kansas-Nebraska Act the Governor was empowered only to designate the place for the meeting of the first legislative assembly. That assembly, with the Governor, was then to establish the seat of government ". . . at such place as they may deem eligible."²⁰ Thus the capital, once located by the Governor, would have to be held there by the first legislature.

The organic act, however, placed such wide powers in the hands of the Governor in regard to the districting and apportionment of the territory for the first legislative election that he could virtually control the membership of that body. The section on apportionment was particularly vague, ". . . apportionment shall be made, as nearly equal as practical, among the several counties or districts, for the election of the council and representatives, giving to each section of the Territory representation in the ratio of its qualified voters as nearly as may be."²¹ The power given the governor in the matter of

²⁰ The Statutes at Large and Treaties of the United States of America, op. cit., p. 282.

²¹ Ibid., p. 278.

districting the territory for representation was even wider: the act contained no section covering this matter. In addition, the Governor was given virtually a free hand with the first election, " . . . the first election shall be held at such time and places, and be conducted in such a manner, both as to the person who shall superintend such an election and the returns thereof; as the Governor shall appoint and direct; he shall at the same time declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled . . ."²² The substance of the Kansas-Nebraska Act was that the Governor could cut the pie just about any way he chose.

Cuming's primary problem during November was that he did not yet know in whose favor he would choose to cut. His preliminary county divisions districting for census and election purposes had been scrupulously fair to both the north and the south Platte regions--each had received three districts. It was necessary to maintain this posture of fairness in the interests of his own reputation and future, but it would also be necessary, in view of the rising tide of acrimony between the sections, to make absolutely certain the legislature would not remove the capital from the site he designated or his financial future and that of his benefactors, whoever they turned out to be, would be

²² Ibid., p. 279.

in jeopardy. The matter of apportionment had to be handled delicately and with finesse.

Early in November the citizens of the Territory raised questions of whether or not the entire Territory, some of which was still legally held by Indian tribes, should be districted for election purposes, or whether just those sections ceded to the Federal government should be considered subject to enfranchisement. To resolve this question, Cuming wrote on November 1, 1854, to George W. Mannypenny, the Commissioner of Indian Affairs in Washington. After stating his problem and position in regard to the Indian lands, Cuming closed the letter by requesting, "Please state, also, whether there is any neutral or U. S. ground south of the Platte river, south or west of the Otoe [sic] and Missouri cession, where an election precinct may be made."²³ If one may assume that Cuming was given to a strict usage of the English language, and Cuming used the language well, his selection of the permissive "may" would indicate that he wished to make a precinct there, and wanted only to legitimize it. If, as might have been the case, he had heard or understood that there existed in that region Federal territory which was entitled to representation, it would seem that he would have used the obligatory "should." This let-

²³ Thomas B. Cuming, Omaha City, Nebraska Territory, 1 Nov. 1854, letter to William Mannypenny, Washington, D.C., Executive MSS 1, Territorial Governors, Manuscript Division, Nebraska State Historical Society.

ter to Mannypenny was not made public until later in the month, and it may be that Cuming was looking for a seventh district to hold the balance of power in the legislature, if he should need it. The organic act set the numerical membership of the legislative Council at 13 and the House at 26.²⁴ Since each district would obviously be entitled to at least one representative, no matter what its population, a potential seventh district, even one which was located south of the Platte, presented mathematical possibilities of diminishing that section's representation, depending upon relative population statistics. As a hedge it would have been a good one, and one which Cuming would not have overlooked in his early struggles with apportionment.

When the census of the territory was completed on November 20, Cuming issued his proclamations setting the time and regulations for the first elections and apportioning the legislative representation. Nebraska historians have traditionally taken the position that this first apportionment was grossly inequitable; that Cuming gave those districts located north of the Platte River representation far in excess of that which was justified by their population; and that he denied proper representation to those districts located south of the river.²⁵ His reasons were, according to these authorities, that he was seeking to create a legislature that would uphold his selection of a

²⁴ The Statutes At Large and Treaties of the United States of America, op. cit., p. 278.

²⁵ J. Sterling Morton, "Early Times and Pioneers," Transactions

a capital site. In view of the contest over that site, in view of Cuming's interests in it, in view of the power he was given by the organic act to make the apportionment as he saw fit, and in view of the reality that the Legislature did have the power to remove the capital from his chosen site if they wished, these charges do not seem to be totally unfounded. Certainly it must be conceded that Cuming's goal was to control the legislature for the sake of securing his selection of the capital site, but available evidence, or rather lack of available evidence, does not warrant the conclusion that he sought to achieve this goal by unequally apportioning the whole Territory. There are, in fact, good reasons to believe he would have sought to be scrupulously honest insofar as his total apportionment was concerned. He was hopeful of securing the gubernatorial position, he was deeply committed to the philosophic principles of the Democratic party and popular sovereignty--for both of which Nebraska was an acid test--and would therefore have been anxious that the Territory commence its government in an orderly and unimpeachable fashion, and, lastly, he had, up until this time, trod a delicately balanced course between his own self-interests and fair treatment of all

and Reports of The Nebraska State Historical Society, III (1892), p. 103; James C. Olson, History of Nebraska (Lincoln: University of Nebraska Press, 1955), p. 87. James C. Olson, J. Sterling Morton (Lincoln; University of Nebraska Press, 1942), p. 44; James W. Savage and John T. Fall, History of the City of Omaha (New York: Munsell and Co., 1894), p. 51; Addison E. Sheldon, Nebraska, The Land and the People (Chicago: The Lewis Publishing Co., 1931), I, p. 251; Wakeley, op. cit., p. 68.

portions of the territory. It cannot be said that Cuming did not want to control the make-up of the first legislature, but it is doubtful that he would have, under the circumstances, resorted to such an unsubtle and openly blameful course as inequitable apportionment for the whole Territory to achieve his ends.

An authoritative analysis of the justice of this original apportionment is impossible, simply because there must exist real doubt over the validity of the census figures historians have traditionally used as a basis for such analyses. Without exception every authority has stated that the total population of the Territory as shown by this first census was 2,732, and some of them even have figures which break down this total by the original census districts.²⁶ When Cuming's original apportionment is analyzed against these figures, it does seem that those counties south of the Platte were badly under-represented. The heart of doubt rests in the fact that it is impossible to ascertain where historians have obtained their figures for the original census. Contemporary scholars working in the field seem to have copied them from earlier scholars,²⁷ and earlier scholars fail to cite their authority. The

²⁶ Morton and Watkins, op. cit., I, pp. 180-181; Olson, History of Nebraska, loc. cit.; Sheldon, loc. cit.

²⁷ Olson, J. Sterling Morton, p. 44.

census returns were not made public in 1854, or at any time thereafter in Nebraska, and, to this day, no official record of this census exists in the state. There is, however, reliable evidence that the original census is available in the territorial records of the Federal government, as one might assume they must be, since Cuming, in his position as Secretary of the Territory, was required by the organic act to transmit copies of all official territorial business to the President and to Congress, for reposition in the Library of Congress.²⁸ This was a legal detail which Cuming would not have been apt to overlook or fail of compliance. An exhibition catalog published by the Library of Congress in connection with an exhibition held on the occasion of the Territorial Centennial of Kansas and Nebraska in 1954 describes one exhibit as containing, among other things, an abstract of the first census in Nebraska which shows ". . . six districts with total population of 2,693."²⁹ While the difference between the two totals is less than fifty citizens, the fact that that difference does exist invalidates all previous examinations of the fairness of Cuming's legislative apportionment which were based on a total population of 2,732.

While it is thus necessary to omit a consideration of the fair-

²⁸ The Statutes At Large and Treaties of the United States of America, op. cit., p. 278.

²⁹ Library of Congress, Kansas and Nebraska, Centennial of the Territories, 1854-1954 (Washington: Library of Congress, 1954), n.p.

ness or intent of Cuming's apportionment of the Territory as a whole, there does exist evidence of his intentions regarding the capital location in the manner in which he districted the territory for the elections. His proclamation of November 23, 1854,³⁰ which set forth these districts and their apportionment provided for eight instead of the six which had previously been established for census purposes.³¹ These eight districts corresponded roughly to the county divisions he had set up, with the increase resulting from the separation of Pierce from Forney, and Washington from Burt. The change represented by this separation was still carefully impartial: two of the counties lay south of the Platte and two north. In part, this action may have been dictated by the fact that Pierce county was shown by the census to have a relatively large population, and thus merited separate representation. It would follow, then, that Cuming would have separated Washington and Burt, north of the Platte, in order to maintain sectional balance. It is necessary to observe, however, that Burt and Washington were sparsely populated, and, if the consolidation had stood, might have been considered to deserve only one councilman and two or three representatives in proportion to the population of the rest of the Territory. Separated, they were both entitled to the minimum representation possible: one councilman and two representatives each. The result

³⁰ Morton and Watkins, op. cit., I, p. 175.

³¹ Olson, J. Sterling Morton, p. 44.

would be a gain in representation for the section north of the Platte.

Apportionment for Douglas County

Douglas county, however, seems to have been the section in which Cuming planned most carefully. In both the census districting and the election districting, Douglas County encompassed both Omaha and Bellevue. Its boundaries ran west twenty miles from the Missouri River, north to the southernmost limits of the town of Florence, and south to the Platte river.³² Cuming seems to have been aware from the outset that one or the other of these two towns, one of which would be the capital and the other the disappointed aspirant, would have to be smothered in the legislature for the sake of territorial harmony and the security of the capital site. The two areas were the most populous north of the Platte, and it would therefore seem that they should have been given not only separate districting, but separate county administrations. This could have been done without disturbing the carefully maintained balance of numerical division between the two sections. But the same mathematical forces entered into the possibilities for apportioning a heavily populated district as did for apportioning sparsely populated areas: together, Bellevue and Omaha, they might reasonably have been expected to out weigh any section south of the Platte in population and might,

³² Edward P. Sayre, "Early Days In and About Bellevue," Collections of The Nebraska State Historical Society, XVI (1911), p. 99.

therefore have been considered entitled to draw representation away from that section. Furthermore, Cuming, in October when the division was first made, could not possibly have foreseen the degree of acrimony which would build up between the two towns over the period of the next month. The delay in locating the capital, necessitated by the wait for the outcome of the Bellevue purchase negotiations in the East, strained nerves and frazzled tempers in Bellevue and Omaha. By the end of November the newspapers of the rival towns were snarling at one another, and, one may assume, the citizens were too.

It was this bitterness, coupled with the fact that he had apparently not yet heard from Barton Green, which caused Cuming to divide Douglas County into two election districts in his proclamation of November 23.³³ Both Omaha and Bellevue were given separate precincts for election, and the assumption was that they would also be given separate representation.³⁴ But, although the November 23 proclamation set the representation for all of the other districts in the Territory, it did not set the representation for Bellevue and Omaha precincts,³⁵ be-

³³ Sayre, loc. cit.; The Federal Writers Project, Works Progress Administration, Old Bellevue, American Guide Series (Papillion: The Papillion Times, 1937; reprint, 1954), p. 13; The Nebraska (Bellevue) Palladium, 27 Dec. 1854.

³⁴ The Nebraska (Bellevue) Palladium, 27 Dec. 1854.

³⁵ Ibid.

yond reserving for the whole of Douglas county four councilmen and eight representatives.

This division of Douglas County clearly indicates that Cuming, on the day it was made, did not yet know where the capital of Nebraska Territory was to be located. The action has no other explanation than that of a move made in the interests of seeming to be impartial and fair, perhaps done under the pressure of local opinion. Had Cuming known which city was to have been the capital he would undoubtedly have adhered to his original plan, relying on the increase in population incident to the capital location, and the mutual sectional interest of the two cities, to drown out all resistance in the unlucky loser and secure the election of legislators favorable to the located capital. That he established separate election districts for the two on the 23rd of November can only be interpreted as an indication that he did not know which city would receive the plum, and wished to seem to favor both, while continuing to act, in an official capacity, in a manner which maintained an air of impartiality and scrupulous fairness.

In view of the intense feeling that had developed between the two towns, and the delicate balance that Cuming had achieved in the representation for the rest of the territory--the south Platte section had been given a total of six councilmen and twelve representatives by his November 23rd proclamation, while the north Platte section, including Douglas County, had been given seven councilmen and fourteen represen-

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tatives--there are grounds for reasonable doubt that Cuming ever seriously intended to grant separate representation to the losing city in the capital fight. Even the granting of minimal representation to the loser--one councilman and two representatives--would destroy the north Platte advantage in the legislature should that town be sufficiently revengeful to throw her lot with the south Platte section. The intensity of rivalry had developed to such a degree that Cuming could not have been unaware of this possibility, and it is unlikely that he would have soberly considered handing the south Platte any weapon to use to destroy his capital location. The legislative impasse of a tie vote would as effectively remove the capital from its original location as would a majority in the hands of the opposition.

There are several other possible explanations for the fact that Cuming withheld final apportionment from the two Douglas County districts, beyond the one mentioned above. The most obvious one is, again, that he did not know which city was to be the capital on November 23, and therefore had to defer a decision until he might know which district would need or should have, the greater share of the reserved representation.

Still another possibility rests upon the assumption that Cuming

³⁶ Olson, History of Nebraska, p. 87.

knew where the capital was to be located on the day he issued the election proclamation, but felt that if he announced the apportionment it would be an absolutely unmistakable identification of his selection. There would have been good reason for an immediate announcement of the capital location in October, had Cuming been able to make it, but by the end of November there were equally good reasons for his desiring to keep the location, if the decision had been made, secret until after the elections. By then feelings in the Territory had begun to run so high that a peaceful or fair election would have been impossible had the capital site been made known. The elections had been set, by these November 23 proclamations, for December 12, 1854,³⁷ a date in the immediate future. If the capital had been known and had been indicated by virtue of apportionment during the last week of November, Cuming almost surely could have anticipated a free-for-all on election day. In the heat of anger and disappointment, the out citizens would have had an open target for their revenge, and with the proclivities for election fraud current in that day, could have turned every well-laid plan, to say nothing of the sacred principle of responsible self-government, into a shambles.

Against this possibility: that Cuming knew the capital but was reluctant to give it away, must be balanced the fact that he did dis-

³⁷Morton and Watkins, op. cit., I, p. 174.

trict Douglas county into two election precincts, an action which implied separate representation. If he had, in truth, known the capital, he would have been extremely foolish to have split the county and run the risk of losing legislative strength by dividing its representation. So, also, if he did know which town was to become the capital and had no intention of actually providing the loser with representation, would he have been unwise to divide the county into two election districts simply because this action would ultimately demand the withdrawal of representation from the loser, an action which would have been obviously subject to extreme criticism.

Cuming's own reason, given a week later, for the delay in setting the representation for Bellevue and Omaha rested in the response he had received from Indian Commissioner Mannypenny to his letter of November 1st, in which he had inquired ". . . whether there is any neutral or U.S. land south of the Platte river, west of the Ottoe [*sic*] cession, where an election precinct may be made." Mannypenny's letter, dated November 15 in Washington stated that this region was indeed eligible for such a designation.³⁸ Cuming immediately sent Jesse Lowe of Omaha,³⁹

³⁸ George W. Mannypenny, Washington, D.C., 15 Nov. 1854, letter to Thomas B. Cuming, Omaha, Nebraska Territory, Executive MSSI, Territorial Governors, Manuscript Division, Nebraska State Historical Society.

³⁹ Morton and Watkins, *op. cit.*, I, p. 177.

a deputy marshal, out into the country to count the inhabitants, and wrote a letter to the editors of territorial newspapers announcing this fact and saying,

The notices of election in the census district above the Platte, (Bellevue and Omaha), will not be circulated until he can be heard from, as it will be impossible, till then, to correctly fix the apportionment, which is limited by law, to a certain number for the whole territory. It will be well to make this announcement public. The other counties have received their apportionment, and this is the only district in the Territory, where this course will be pursued, it being the most compact, and least subject to injury by delay.⁴⁰

Obviously, if Jesse Lowe turned up any white men in the region, Cuming would be forced to provide them with some kind of legislative representation. Thus his reason for the delay in providing apportionment for Bellevue and Omaha is plausible, but there is some evidence and much logic to indicate that Jones County, as the area came to be known, provided a good and timely excuse for the delay itself and its extension. The first detail worth noting is that of time. Cuming had written his original letter to Mannypenny on November 1. Mannypenny's reply to him was dated November 15. While Mannypenny may not have been particularly prompt in answering, the two week lapse of time for delivery corresponds precisely with the lapse of time between the date of his answer and Cuming's letter to Nebraska editors announcing the establishment of the

⁴⁰ Thomas B. Cuming, Omaha City, Nebraska Territory, 30 Nov. 1854, Letter to Henry Bradford, Nebraska City, Nebraska Territory, Executive MSS 1, Territorial Governors, Manuscript Division, Nebraska State Historical Society.

new county and the reason for the delay in apportionment for Omaha and Bellevue, as well as corresponding to the date of Cuming's letter to George W. Jones of Iowa, telling him of his new honor.⁴¹ Cuming's original proclamation of apportionment for the Territory, which was the first indication that the figures for Omaha and Bellevue were being held in abeyance, was dated November 23. This would have been just one week after Mannypenny had penned his reply in Washington--a time surely too short to have allowed that answer to reach Nebraska in time to have been responsible for the original delay. It might be further observed that, if Cuming had the Mannypenny letter on November 23, he would probably have used it to explain the postponed apportionment at that time. It would have been an unimpeachable reason.

Final evidence that Cuming did not delay the apportionment of Bellevue and Omaha because of Jones County is to be found in an article, full of blinding anger, addressed to Cuming in The Nebraska Palladium after the capital location had been made known.

Omaha and Douglas counties Omaha and Bellevue precincts , declared districts by proclamation, remained unapportioned . Days passed by. --What shall our representation be, was the cry. Like a dumb beast you opened not your mouth. Finally compelled by the popular clamor, you informed us that a certain terra incognita off a little West of nowhere, heretofore omitted in the census, was to be districted and that the representation due it was to be deducted from that be-

⁴¹ Albert Watkins, "An Interesting Historical Document," Collections of The Nebraska State Historical Society, XVII (1913), p. 309.

longing to Omaha and Douglas. A most contemptible silly
reason⁴²

The sense to be drawn from this bit of invective is that Cuming was forced to br^est the tide of public clamor over his failure to set the apportionment for Omaha and Bellevue for some days. If he had actually known of the possible existence of Jones County at the time he issued his original proclamation, or any one of the days following it before the 30th of the month, he would surely have used it, as he did ultimately, to either forestall the public outcry in the first place, or silence it. The available evidence would indicate that Thomas Cuming did not know he "might" create Jones county until November 30, and that it was not the real reason he withheld the apportionment for Omaha and Bellevue on the 23rd.

The Decision for Omaha

While it may be reasonably assumed that Thomas Cuming did not know where the capital of Nebraska Territory was to be located on November 23, 1854, there is substantial evidence that he did know on November 25, 1854. On that day he wrote the infamous Gray Letter, in which he unequivocally stated that the territorial capital would be in Omaha.⁴³

Events must have moved fast on the two intervening days. Barton

⁴² The Nebraska (Bellevue) Palladium, 27 Dec. 1854.

⁴³ The Council Bluffs (Iowa) Chronotype, 13 Dec. 1854.

Green had been gone from Nebraska for a bit over a month, just time enough for a hurried trip East. The news he brought to Cuming was of the failure of the Bellevue purchase plan. The only account of this failure the reasons for it is contained in Reverend William Hamilton's reminiscences.

Judge Green had told me he would give \$25,000 in gold for it, saying he did not wish me to think he was rich, but he could command the money in gold. I had asked \$50,000 for the reserve. He went to New York and agreed with the Hon. Walter Lowrie to give the \$50,000, but asked sixty days to consider. He was to telegraph at the end of that time. He did not telegraph as agreed, and Mr. Gilmore, who was then living in Omaha, told me it was at his advice he did not telegraph, saying that it was the pressure, meaning they could not borrow the money.⁴⁴

This account, like the rest of Hamilton's serene and dispassionate remembrances, is probably accurate, as far as it goes. No doubt Hamilton told all he knew, but it is difficult to avoid wishing he had known more. It may have been that the plan of Stephen A. Douglas, John W. Forney, Joseph W. Gray, Bird B. Chapman, and Barton Green to purchase the Presbyterian Mission Reserve in Bellevue for purposes of land speculation in Nebraska's capital foundered on their inability to obtain a loan of \$50,000 to meet the price set upon that reserve. It was a great deal of money. It may also have been possible that these gentlemen, while they might have agreed to purchase the Reserve for

⁴⁴ Morton and Watkins, op. cit., I, p. 179, (note).

that amount, lost interest in the project and did not vigorously try to raise the money. Fifty thousand dollars for four quarter-sections comes to a bit more than \$78.12 per acre, certainly a high figure to even the most optimistically-minded speculator, and one which would require the passage of a substantial amount of time before the value of the land would meet it, let alone exceed it. The purchase price asked by the Board of Foreign Missions removed all prospects for quick profits from the scheme, if indeed it did not remove the prospect for profit altogether. Under the circumstances, Douglas, Forney, Gray and Company cannot be blamed for losing sufficient enthusiasm in the plan to precipitate their dropping it altogether.

There is no way of knowing whether Hamilton's further statement of the developments applied to the Douglas, Forney group or not. He went on to say that "The next move was to get bids, not from Bellevue alone, but from the different towns that wanted the capital. The Bellevue Land Claim Association promised liberally, but none as yet had titles to what they promised, only claims."⁴⁵ It may have been that, failing to obtain the Mission land, the same group sought land which had been claimed by others in the region. If this was the case, the "different towns that wanted the capital" were undoubtedly Omaha and Bellevue--the only two which, at this late date, were in any position so far

⁴⁵ Ibid., p. 179-180, (note).

as development was concerned, to accommodate the capital. Offers of acreage and prices were probably asked from the Bellevue Land Claim Association and the Council Bluffs and Nebraska Ferry Company, with the thought that the capital would go to that one which made the most tempting prospect.

It is, however, unwarranted to assume that Douglas and Forney were a part of this rather unattractive procedure. Douglas, in particular, may have been much interested in personal speculation in Nebraska land, but it is unlikely, in view of his political position and prospects, that he would have indulged in such potentially dangerous dealings. The approach smacks very much of bribery, and Douglas would have been well aware that the risks to his personal reputation far outbalanced his possible profits. If any of the original group were involved in this proposition it was probably only the lower echelons: Bird B. Chapman, who was already in Nebraska running for Congress and so had committed himself to the territory, Barton Green, and Joseph W. Gray. In all probability Thomas B. Cuming would have been added to this group, for they could scarcely have done without him.

Hamilton's account goes on, however, saying,

Judge Ferguson⁴⁶ then came to me and said everything was now arranged to secure the capital at Bellevue, except one thing. The L.C.A. had promised liberally, but Acting Governor

⁴⁶ Fenner Ferguson had been appointed by Franklin Pierce to be

Cuming asked 100 acres of the Mission Reserve, and he assured me that if that was given, the capital would be placed at Bellevue. I replied without hesitation, not one foot to the man, but was willing to recommend the giving of it to the county or Territory. This, I suppose, decided the matter--I have never regretted my refusal, though some of the citizens blamed me, but our Board never blamed me.

This account is the first evidence of Thomas Cuming acting independently in the Territory in the interest of his personal financial future. Whether or not he had been included in the group that sought bids for land from Omaha and Bellevue, his request to Hamilton for 100 acres of Mission land could only have been made for himself. One hundred acres was not enough to share with a group of men, but would have been a substantial investment for Cuming, as well as being a sufficiently large amount to assure him a considerable profit. There can be no doubt that the Council Bluffs and Nebraska Ferry Company had offered, and did provide, him with personal rewards for locating the capital,⁴⁸ and, therefore, his request for Bellevue land is a believable effort

Nebraska's first Supreme Court Chief Justice. Ferguson had established his territorial residence in Bellevue (where he lived the remainder of his life) and was probably acting as a go-between in these negotiations. Morton and Watkins, op. cit., I, p. 169, (note).

⁴⁷ Morton and Watkins, op. cit., I, p. 180, (note).

⁴⁸ Thomas B. Cuming, Council Bluffs, Iowa, 2 Oct. 1855, 15 Oct. 1855, Minutes of the Meeting of the Council Bluffs and Nebraska Ferry Co., Thomas B. Cuming MSS, Cuming-Hamilton Collection, Joslyn Art Museum, Omaha; Thomas B. Cuming to S.E. Baldwin, Deed for five Omaha lots, 7 Apr. 1856, Nebraska State Historical Society.

to balance this Omaha offer in order to allow him to locate the capital in the former town without diminishing his personal prospects for profit.

The outcome of the events of these two days seems to be that the effort to secure bids from interested towns did not result in the admission of any of the Ohioans to speculative opportunities in Nebraska. Douglas and Forney would have been formidable providers of capital and, because of their national positions, in a strong position to command loans. Without them the group may well have lacked deep resources of both capital and credit. For whatever reason the entire project fell through, and lack of capital would seem to have been responsible since Hamilton's statement indicates that Bellevue was prepared to make a tempting offer, and there can be little doubt that the ambitious men in Omaha would have matched it. Evidence that the Ohioans were unable to secure an interest of their own in Nebraska is contained in the extent of Chapman's holdings in Omaha at a later date,⁴⁹ and in the Gray letter, in which Cuming stated that he was sending an interest to Gray, a gratuity from the Omaha Company.⁵⁰

Thus, when it comes right down to it, the capital of Nebraska Territory was located in Omaha in the sole interest of Thomas B. Cuming,

⁴⁹ Bird B. Chapman, Washington City, D.C., 9 Dec. 1855, letter to Thomas B. Cuming, Omaha, Nebraska Territory, Thomas B. Cuming MSS, Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

⁵⁰ The Council Bluffs (Iowa) Chronotype, 13 Dec. 1854.

as historians have always said it was. When Douglas and Forney dropped out of the picture, Bernhart Henn of the Council Bluffs and Nebraska Ferry Company probably moved in. Cuming's request for Mission land in Bellevue would indicate that he would have perhaps preferred to locate the capital there: it was the spot which the Territory as a whole had, since the first days, assumed would receive the plum, and he probably sensed that location there would precipitate less animosity toward him than location in Omaha. But Hamilton's refusal did indeed "decide the matter." When the powerful political influences with which Cuming hoped to identify himself lost interest in Bellevue, when that city failed to provide him with the necessary accessory to his own personal financial interests, then Bellevue became a desert to Cuming. It no longer offered any opportunity for the fulfillment of either of his driving personal ambitions: political power and prestige, or personal wealth.

Omaha, on the other hand, was now another matter. With Douglas and Forney out of the picture by virtue of their own choice, Cuming was free to curry favor with Bernhart Henn. Cuming had probably not given up his hopes for the gubernatorial appointment, and, while he had no reason to think that Forney would cease to advocate his cause, he was now able to enlist also the support of Henn. No longer did he have to evaluate and choose between his potential political patrons; he could, by identifying his interests with Omaha, bring Henn actively into his campaign. In addition, the Council Bluffs and Nebraska Ferry Company

had made it very much worth his while to select Omaha. He was either given, or given the opportunity to buy, land in Omaha,⁵¹ and he was invited to become a member of the company itself.⁵² Under these circumstances, the capital choice was certainly not hard for Cuming to make. The cause of Omaha had become identical to the cause and best interests of Thomas B. Cuming.

The Gray Letter and the Bellevue Meeting

Although, sometime between the 23rd and 25th of November, Cuming had made his capital decision in favor of Omaha, he did not make this decision public, probably because of the influence he feared it might have upon the elections scheduled for December 12.⁵³ He may have informed some of the members of the Omaha and Council Bluffs and Nebraska Ferry Company of it, but, for the most part he kept his own confidence.

However, on November 25, Cuming wrote a letter which constituted a grave diplomatic error. On that day he addressed himself to Joseph W.

⁵¹ Thomas B. Cuming to S.E. Baldwin, Deed for five Omaha lots, 7 Apr. 1856, Nebraska State Historical Society.

⁵² These minutes indicate that Cuming served as Secretary pro-tem for the meeting of the Council Bluffs and Nebraska Ferry Company on October 15, 1855, and also served on a special committee to examine company expenses which reported at the meeting held on October 2, 1855. Thomas B. Cuming, Council Bluffs, Iowa, 2 Oct. 1855, 15 October 1855, Minutes of the Meeting of the Council Bluffs and Nebraska Ferry Co., Thomas B. Cuming MSS, Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

⁵³ Morton and Watkins, op. cit., I, p. 174-175.

Gray of the Cleveland Plain Dealer, and announced the capital location in these words,

. . . I have only time to write a very few words. I never forget my friends, and furthermore, have always succeeded thus far, in my efforts to serve them. The Capitol (this is strictly private) will be located, if I control it, at Omaha City, and there is every prospect that it will be the greatest City in the West between the Mississippi and California. Furthermore, . . . it will stay where it is put. Rely on that. Also, on the election of Chapman to Congress. Something may possibly turn up to disappoint me, but I have no fears. I have made the Proprietors of the town deed some extra lots to my friends.

You have been a pillar of the Administration and the Constitution, and faithful to the Western rights and State rights. On that account, without any personal acquaintance, I am yours, intimately, and always with you in spirit.

In a few days, I shall have the pleasure of sending you the papers, putting you in possession of an interest in the Capitol, worth NOW from \$3,000 to \$5,000, and of an indefinite value hereafter⁴-after the location. This will be a gratuity by the proprietors of the Town.

For the past two days, I have had not a moment, till now, to reply to a score of letters: my room having been filled with successive delegations (on the Capitol Question,) armed with alternate bribes, threats and solicitations. Excuse writing and haste, and believe me every Yours,⁵⁴

The content of this letter is full of interesting details bearing upon the events of the capital location, but before a consideration of these is in order, an examination of the authenticity of the letter itself is necessary.

The contents of the Gray letter came to public knowledge in a mysterious fashion. Cuming maintained that the letter had been stolen

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The Council Bluffs (Iowa) Chronotype, 13 Dec. 1854.

from the mails, and that it had been altered. The Nebraska Palladium gave this version of its discovery, "The letter was found in the public highway, unsealed, unprotected, and to all appearances, uncared for. It was open to the public gaze, and carelessly picked up by someone in whose path it happened to fall. We contend that no one was to blame for picking up a loose paper in the street"55 The men of Bellevue, in whose hands the original apparently ended up, also maintained that it had not been altered and that its total authenticity had been verified by men who knew Cuming's handwriting well.

On the basis of its dubious origin historians have been inclined to either doubt the authenticity of the letter, or disregard it altogether. James C. Olson states, "That a man of Cuming's political sagacity would be so naive as to write in such a fashion is more than doubtful."56 J. Sterling Morton and Albert Watkins, in their Illustrated History of Nebraska, by far the most detailed and scholarly history in existence, make no mention of it at all.

These reasons for rejecting the authenticity of the letter do not stand up under a careful analysis of contemporary accounts, and a comparative analysis of Cuming's other activities. It is true that the original letter was never produced, and it does seem unlikely that Omaha's postmaster, A.D. Jones,⁵⁷ would have dropped it in the street

⁵⁵ The Nebraska (Bellevue) Palladium, 20 Dec. 1854.

⁵⁶ Olson, J. Sterling Morton, p. 43.

⁵⁷ Morton and Watkins, op. cit., I, p. 174, (note).

even though he has long had the reputation for carrying the mails around in his beaver hat at that time.

Cuming's statement that the letter had been stolen from the mails is probably more truthful, and can be considered entirely possible in view of the tension in the territory over the capital location, and the focus of all interested citizens on Cuming as the instrument of that location. The Nebraska Palladium at this time seemed suspicious that Cuming was going to locate the site in Omaha, and phrased its doubts in items which pointed out Bellevue's claims and virtues, and expressed a kind of shocked disbelief that Cuming could seriously consider Omaha. On November 29, 1854, The Palladium ran an article which said, "Had Governor Burt lived, we have no doubt but that Bellevue would have been the seat of government and we have little doubt now, but that Governor Cuming will make that point his official headquarters, and convene the Legislative Assembly there. By doing so, he will at least give general satisfaction."⁵⁸ The Palladium was whistling in the dark for Bellevue was aware that there had been a change in Cuming's carefully maintained attitude of impartiality, and, from this, must have deduced that something was askew. Under the circumstances, its citizens would certainly have been keeping a steady eye on all of Cuming's actions, and, because of the intensity of interest and feeling on the capital subject, this

⁵⁸ The Nebraska (Bellevue) Palladium, 29 Nov. 1854; 6 Dec. 1854.

could well have included a surveillance or theft of the governor's mail, as well as its alteration.

Cuming became aware that the letter had fallen into unfriendly hands on December 5,⁵⁹ and the following day he issued a printed broadside throughout the area. In it he proclaimed,

Being apprized that letters, written by me, have been TAKEN FROM THE MAILS, by some desperate individual or individuals, and words or lines FORGED in them over my signature, for political purposes,--and that said letters are now being circulated, and confidentially used, in misleading and deceiving the people of the Territory, I take this method of saying; --that no letters have been written by me, the TRUE contents of which I am unwilling to make public,--and I respectfully urge citizens to put no trust in any such base electioneering frauds and forgeries, concocted at the eleventh hour, to create local excitements; but to vote, without regard to them, for men and PRINCIPLES, worthy of a Territory for which so much has been suffered, and of which so much is anticipated. The INTRIGUERS, who will ROB THE MAILS, break the seal of private friendship, and FORGE a written falsehood, to sow discord among our people, and calumniate a public officer--if they are not arrested for the CRIMINAL OFFENSE, ought surely⁶⁰ to have no influence among honorable and intelligent voters.

Cuming's denial is, in itself, an admission that he had written the Gray letter. In no place does he state that he did not write the letter, or that it was an entire forgery. Rather he does admit that the letter taken from the mails was written by him, and that "words or lines" were forged over his signature, basing his claim to blamelessness

⁵⁹ Ibid., 13 Dec. 1854.

⁶⁰ Thomas B. Cuming, Omaha, Nebraska Territory, 6 Dec. 1854, Broadside, Thomas B. Cuming MSS, Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

on the insistence that ". . . no letters have been written by me, the TRUE contents of which I am unwilling to make public, . . ." Since the letter was in private hands that would have been as unwilling to admit that they had forged lines over his signature as he was unwilling to admit that he had written all of the letter as published, this assertion was a completely safe one for Cuming to make. The public would be left in total doubt about which portions of the letter were authentic, and Cuming could easily take the position that the most damning lines were those which had been forged.

The Bellevue men had a strong case despite the fact that they had apparently inserted some lines increasing its testimony of irresponsible and reprehensible conduct. At a mass meeting held in Bellevue on December 9, and attended by Thomas Cuming, the following interesting events transpired,

Speech of Mr. A.W. Hollister, Esq. Mr. Chairman: As one of the signers of the circular containing a letter purporting to have been addressed to a Mr. Gray, and signed by T.B. Cuming, and as His Excellency, the Governor, has pronounced the letter a forgery, I feel myself called upon to explain why my name is so attached. The original letter I have seen. It is in the possession of a man, whose very name, forbids even the suspicion of deceit or fraud, as for myself, I have not a doubt as to its authenticity. Maj. Hepner⁶¹ (you all know him) who is

⁶¹ Major George Hepner, the United States Indian Agent at Bellevue. Hepner was in a position to identify Cuming's handwriting: a former Iowan from Des Moines, he had been a member of the Iowa Senate at the 1853 sessions which Cuming had attended as a reporter for The Keokuk Dispatch and in the interests of obtaining the reelection of George W. Jones to the United States Senate as well as in the hope of obtaining

well acquainted with Governor Cuming's hand writing; (here Mr. Cuming interrupted the speaker by saying in a fierce wrathful tone, 'I did not come here to listen to any personal attacks upon myself, and shall not remain.') Mr. Hollister requested him to stay, that he was obliged in self defence to defend himself against the imputation of forgery, but the Governor left the room. Mr. H. then asked if he should continue, and amid loud cries of 'go on go on,' he resumed. You all know Maj. Hepner, you know his integrity and caution. He says he will swear to its genuineness in a Court of Justice, if necessary, and do you think he, a government officer, would commit the disgraceful act of forgery? . . . But gentlemen, the damning proof of the authenticity of the precious document, and of the treachery of T.B. Cuming, is not alone in the word of those who have seen the original letter, which shall be produced at the proper time, but you saw it in the limping, halting, awkward, evasive explanation you have just listened to. The letter was pronounced a complete forgery. Then His Excellency, had a faint recollection of writing to Mr. Gray, about the 20th of November, which letter he imagined was dropped by the carrier on his way to the Post-Office. Then the letter written to Mr. Gray was sent for, and in due time would arrive and explain the baseness of men, who would on the eve of an election concoct a base scheme to effect their ends. Such disjointed declarations are convicting."⁶²

This account of Cuming's reaction to the discovery of the Gray letter is extremely valuable. In construction and form, The Palladium story seems to be notes taken on the spot by the author, rather like the minutes of a meeting. There can be no doubt that the man who wrote it not only attended the meeting--in fact the account gives evidence that he arrived late as it does not cover the events of the opening--but also

the contract for the public printing for The Dispatch. It was George Hepner who had engaged in the debate with Hadley Johnson over the proposed change in the name of Council Bluffs which Cuming had noted in The Disptach on 4 Jan. 1854. The Keokuk (Iowa) Daily Whig, 25 Dec. 1854.

⁶² The Nebraska (Bellevue) Palladium, 13 Dec. 1854.

took notes and published these notes with a minimum of editing. As such it constitutes primary evidence of the event. Cuming's reaction to the publication of the Gray letter can best be described as improvised. At the Bellevue meeting he declared that the letter was a complete forgery, but was then forced to back down, and admitted that he had written to Gray during the latter part of November, but that the letter he had written was not the one which the Bellevue men had in hand, and, as proof of this, he would produce the real letter he had written to Cleveland. Needless to say, this letter was never again brought up, and in view of the content of Cuming's proclamation of December 6, probably never existed. The notes of the Bellevue meeting present a clear picture of Cuming, backed against a wall by a group of irate citizens, and, finding himself unable to rationalize his way out of his uncomfortable position, taking refuge first in stubborn denial, and finally in retreat.

If any further evidence is required to certify the existence of the Gray letter, it is contained in the nature of the letter itself. A somewhat boastful document, it bursts with youthful enthusiasm (and indiscretion) and displays a tone of great anxiety to secure approval and patronage by rendering services of personal admiration and financial gifts. It is a precise duplicate in spirit of the letter Cuming had written earlier to his friend, Caleb F. Davis, in Keokuk, in which he tendered Davis his services to obtain financial advantage in Nebraska

Territory.⁶³ It is a similar image of the letter he had written to George W. Jones on November 30, informing that Senator that Jones County had been named for him, and which he closed with the phrase, "I shall send you, before long, a more substantial token of regard, in the shape of a certificate of stock in the future Capitol--a slight memento of a friendship whose expression, with me, to all my friends, is moderated only by circumstances."⁶⁴ The three letters match marvelously in content, intent and personality of the writer.

As it may be accepted that the Gray letter did exist, and that Cuming did write it, so must it also be accepted that parts of it were forged. This conclusion is borne out, in part, by the nature of Cuming's statement in his December 6 broadside, and might be further attested by the fact that the original letter was never produced, contrary to the promise of A. W. Hollister. The men who had possession of the original could no more risk its public scrutiny than could Thomas B. Cuming. Final evidence that portions of the letter were forged, rests in the sense of style obtained from a familiarity with the writing of any individual. There are some phrases in the letter

⁶³ Thomas B. Cuming, Council Bluffs, Iowa, 29 Oct. 1854, letter to Caleb F. Davis, Keokuk, Iowa, Thomas B. Cuming MSS, Cuming-Hamilton Collection, Joslyn Art Museum, Omaha.

⁶⁴ Albert Watkins, "An Interesting Historical Document," Collections of the Nebraska State Historical Society, XVII (1913), pp. 308-309.

which are not those of Thomas Cuming. A specific identification of such phrases is risky business indeed, and it must suffice to say that those sections which seem to be out of keeping with Cuming's literary style do not substantially alter the contents of the letter--they only, by innuendo, attempt to depict him as an even more base man than the primary contents of the letter seemed to indicate he was. On the other hand, beyond the unquestionable similarity to other Cuming letters in the matter of content, is also a similarity of style in much of this letter. In general, the Gray letter must be regarded as having been written by Cuming, and as being substantially, although not altogether, authentic as it has been preserved.

The contents of the Gray letter indicate a number of things. The most important of these, of course, is the fact that Cuming had decided on Omaha as the capital of Nebraska. A further indication that this decision was reached sometime between November 23 and November 25, 1854, is contained in Cuming's remark that, "For the past two days, I have not had a moment," There can be no doubt that the days intervening between Barton Green's return and this letter were busy ones, encompassing, as they apparently did, the request for bids from Omaha and Bellevue, Cuming's final proposition in his own behalf to Bellevue, and the last negotiations with the Council Bluffs and Nebraska Ferry Company.

That Cuming took a first free moment to write to Gray is, in itself, a testimonial to his interest in that man. Although the Belle-

vue purchase plan had fallen through and Douglas, Forney, and Gray no longer had any personal interest in Nebraska, Cuming had not given up hope that they might aid him in securing the appointment as Governor of the Territory. Franklin Pierce was taking his time in finding a replacement for Francis Burt, and the way was still open for Cuming. Cuming's efforts on behalf of the easterners had been substantial; he had cooperated from the outset in their plans although those plans had miscarried through no fault of his. In the process he might reasonably have believed that he had secured new patrons (Gray) and more firmly attached old ones (Forney) to his cause. The letter to Gray indicates that Cuming was prepared to further serve him in securing the election of his friend, Bird B. Chapman, to Congress. Then, of course, there is the matter of the interest in Omaha--"a gratuity by the proprietors of the Town." This gift was obviously arranged by Cuming, and, together with his support of Chapman, must have been intended to plant at least some of Gray's interests in Nebraska, in the expectation that such interests would lead to an interest on the part of that gentleman in the future of Nebraska's Acting Governor.

Repercussions

The impact of the publication of the Gray letter in Nebraska Territory was enormous. Not only did it reveal that Cuming had decided to locate the capital in Omaha--a decision which, by itself, would have

produced severe repercussions, but it also indicated strongly that he had been induced to do so through prospects for personal profit; that he had arranged the territorial apportionment to secure the location of the capital at his chosen site, and that he was about to secure the election of Bird E. Chapman to Congress in a similarly contrived manner. Viewed in the light of Cuming's own personal ambitions, the letter and the actions it outlines were perfectly reasonable, and not without precedent in much of the United States in the middle of the nineteenth century. Viewed in the light of Cuming's position as the chief executive of a Territory of the United States, the letter represents a gauche act, a tactical error of judgment that, undiscovered, would have meant little, but discovered, was disastrous.

The publication of the Gray letter set off a howl in the territory that was heard in all parts of the nation.⁶⁵ Territorial newspapers filled their pages with accounts of the letter and analysis of the gerrymandering tactics used by Cuming in apportionment. During almost the entire month of December, 1854, the editorial occupation of scalping Cuming approached proportions of total dedication, and it was not confined to Bellevue and the south Platte region, where dissatisfaction was to be expected. Newspapers in Florence and Council Bluffs

⁶⁵ The New York Picayune, in The Nebraska (Bellevue) Palladium,

joined in the general yelping,⁶⁶ and Thomas Cuming was left without a friend in the Territory save the owners of Omaha.

Apart from the territorial outcry, and of greater concern to Cuming, was the effect the publication of the Gray letter had upon his hopes for the gubernatorial chair of Nebraska. In a word, it destroyed them. Franklin Pierce was a man dedicated to honesty in public service,⁶⁷ and he was currently having grave troubles with the Governor of Kansas over a similar bit of activity in land speculation.⁶⁸ He would not have been apt to look with favor on Thomas Cuming for Governor of Nebraska in view of these facts. Moreover, Cuming, as the object of territorial anger, could not have expected any of his friends in Washington to plead his cause with Pierce. Douglas and Forney, particularly, were in a vulnerable position and could not aid him without risking their own incrimination. That Forney did not desert him entirely is attested in the closing paragraph of the letter he wrote denying involvement in Nebraska,

So far as Acting Governor Cuming is concerned, I regret that he is not here to defend himself, That he will be able to repel any aspersions upon his official and personal character I firmly believe. He has written to me freely in reference to his responsibilities and to his arduous duties, and

⁶⁶ The Council Bluffs (Iowa) Chronotype, 7 Mar. 1855; The Nebraska (Bellevue) Palladium, 20 Dec. 1854.

⁶⁷ Ray Franklin Nichols, Franklin Pierce (Philadelphia: University of Pennsylvania Press, 1931), p. 383.

⁶⁸ Ibid., p. 413.

not a line that he has written contains, even by inference, the charges now preferred against him. His last letter says: 'I never desired the office of Governor. I became acting Governor by an act of Providence, and I intend to do the duties of the office honestly and line illegible, and that during my administration no friend need be ashamed of me.'⁶⁹

Beyond this Forney could not go, and neither, it would seem, could or would any of his old Iowa friends. Augustus Dodge, immaculate in his own reputation, would probably have turned his back on Cuming at the first hint of scandal. George Jones, interested only in himself and in Iowa, would have been even less likely to soil himself by further patronage of Cuming. Bernhart Henn alone remained firmly welded to Cuming by virtue of their mutual interests in Omaha. Henn, however, was not powerful individually in Washington and was, furthermore, leaving Congress at the end of the current session.⁷⁰ His influence would have been considerably less than potent. In effect the Gray letter spelled death to the gubernatorial hopes of Thomas Cuming.

The Last Events--Saving the Capital for Omaha

Cuming was, however, a practical politician and a resolute man. He had been tripped by his own need for recognition and personal ambition, but he was not deterred from his course. Once he had located the

⁶⁹ The Omaha (Nebraska Territory) Arrow, 29-Dec. 1854.

⁷⁰ Johnson Brigham, Iowa, Its History and Its Foremost Citizens (Chicago: The S. J. Clarke Publishing Co., 1915), I, p. 233.

capital at Omaha, it would stay there, and his efforts between the time of his knowledge of the discovery of the letter and the December 12 elections were bent toward saving the results of those elections, and the capital for Omaha. Now vilified to the point of slander in the Territory, Cuming revealed the extent to which his life in the public service had eroded his youthful idealism and loyalty to principle. He was backed to the edge of a cliff, and he fought with a savagery he had never before revealed.

The primary problem, of course, was to hold the capital in Omaha by obtaining the election of a legislature which would contain a majority of north Platte men in favor of Omaha. In the face of the outrage and excitement in the territory over the revelations of the Gray letter, Cuming knew he needed every vote he had planned on, and perhaps a few more. It was in the interest of this goal that he attended the mass meeting held in Bellevue on December 9. His purpose at this meeting was not, as has been seen, to discuss the Gray letter, but to make the citizens of Bellevue a proposition. Cuming had divided Douglas county into two election districts, but he had not yet apportioned them. The public outcry in Bellevue was such that he was absolutely certain any legislators elected by that district, independently, would, despite the fact that the town was located north of the Platte river, throw in their lot with the south Platte dissenters.⁷¹ As the territorial apportionment

⁷¹ Olson, History of Nebraska, p. 88.

stood, Cuming could not give Bellevue even the minimum representation of one councilman and two representatives without giving the south Platte a majority in the legislature.⁷² Yet, in the interest of adhering to the implied promise of separate apportionment contained in his November 30 letter to territorial newspapers announcing the formation of Jones county, and in the interest of attempting to salvage some respect for himself in the Territory, he apparently felt he had to make some kind of an effort in Bellevue's behalf, and attempt to avoid outright denial of separate representation to that city.

The proposition for separate apportionment which Cuming made to the citizens of Bellevue at the December 9th meeting was an offer conceived in desperation. The Palladium gave this account of it,

The Governor remarked, that he was aware that intense excitement prevailed at different points respecting the location of the Capitol, and that large sums of money were being expended at these points in anticipation of its location, and that disappointment necessarily awaited all except one--all felt a deep anxiety in the issue of the question, involving so many, and such weighty interests. Said that about two weeks previously he had made up his mind to locate the Capitol at Omaha City--but owing to improper influences brought to bare sic upon him to influence his determination, he made up his mind that he would not locate it at that place, and concluded by saying that he had not made up his mind where it should be located, or in what relation Omaha City would stand to Bellevue--but said that if Bellevue would nominate one man for Councilman and two men for the House of Representatives, who would sustain his administration--and not vote for

⁷² Morton and Watkins, op. cit., I, p. 181.

the removal of the Capitol from the place where he saw fit to locate it--and not uphold his enemies--he would give Bellevue a district by itself; otherwise it would be included in the Omaha district, and be swallowed up in its power.⁷³

This offer was a barefaced threat, and it is impossible to conceive that any but a desperate man would have made it. Dedicated now to saving his personal financial gains in Omaha incident to its selection as the capital, Cuming had to have the legislative votes of Bellevue secure if he were to give them any. His statement that he had changed his mind about location in Omaha, and did not know where the site would be is a simple untruth, told in the hopes of renewing the dreams of his audience and thereby reinstating himself in their favor. Had he been really impartial, had he really not known where the capital was to be, he would not have needed the pledge of Bellevue's legislators. On the other hand, he had land in Omaha and shares in the Council Bluffs and Nebraska Ferry Company, and he had given to friends similar shares and interests. Furthermore, he had no such prospects in any other town in the territory; nor did he any longer have any prospects for political advancement. All that remained of his personal dream was personal wealth. Thus, Cuming, on December 9, was bound tight to Omaha by considerations of financial interest, and had no intention of relocating the capital. The citizens of Bellevue were apparently aware of Cuming's

⁷³ The Nebraska (Bellevue) Palladium, 13 Dec. 1854.

determination to hold for Omaha for they did not swallow the bait of indecision which he offered them, and the meeting turned into a chorus of righteous protest over the denial of freedom of selection of representation which Cuming's proposals contained.⁷⁴

As it would be hard not to marvel at Cuming's courage in making this offer to Bellevue, so also would it be hard not to wonder at his naivete in thinking he could successfully accomplish his ends in this manner. That night in Bellevue Cuming lacked not only idealism and political skill, but also common sense. Reduced by political disappointment and public vilification to an angry man, fighting to save what was left to him in Nebraska--Omaha--Cuming was deserted, it would seem by even his own instinctive insight into the nature of men. The proposition he made to Bellevue was not only not accepted, but heightened the public outcry against him to an organ crescendo. It was a compounding of error for which there is no explanation but panic and total ruthlessness.

Faced then, with nearly open rebellion, Cuming had nothing to lose but the election which was two days away. He acted with single minded purposefulness in the only manner left to him. When Jesse Lowe reported back, on December 10, that there were no United States citizens

⁷⁴ Ibid.

to be found living in Jones County, and that it would not be necessary to provide representation for that area,⁷⁵ Cuming was free to set the apportionment for Bellevue and Omaha. Bellevue, aroused and indignant, did not even consider his offer to them, and so, at midnight on the night before the election, Cuming consolidated the two election districts in Douglas County,⁷⁶ and gave the entire county a representation of eight representatives and four councilmen.⁷⁷ Omaha was free to swallow Bellevue, and she did.

That the elections passed off without violence was something of a miracle,⁷⁸ and perhaps a tribute to Thomas Cuming's timing. Last minute actions give very little opportunity for planned opposition, or even for widespread knowledge of them in those days of slow communication. Although his association with Cuming had made it seem prudent to Bird B. Chapman that he withdraw from the election for Delegate to Congress on December 11,⁷⁹ Douglas county did elect Omaha legislators,⁸⁰

⁷⁵ Morton and Watkins, op. cit., I, p. 177.

⁷⁶ Addison E. Sheldon, Nebraska, The Land and The People (Chicago: The Lewis Publishing Co., 1931), I, pp. 251-252.

⁷⁷ Morton and Watkins, op. cit., I, p. 181.

⁷⁸ The Council Bluffs (Iowa) Chronotype, 13 Dec. 1854.

⁷⁹ Ibid., 20 Dec. 1854; 27 Dec. 1854.

⁸⁰ Olson, History of Nebraska, p. 89.

and it may be presumed, Council Bluffs and Nebraska Ferry Company men went to work on the rest of the representatives from the north Platte section to secure their loyalty. The capital could be saved for Omaha, and Cuming, although the struggle over its selection had cost him virtually all of his personal hopes and ambitions as well as his good name, had at least the prospect of becoming a wealthy man.

On December 20th, 1854, Thomas Cuming performed his final act in locating the capital of Nebraska Territory. On that day he issued a proclamation convening the legislature at Omaha on January 16, 1855.⁸¹

⁸¹ The Omaha (Nebraska Territory) Arrow, 29 Dec. 1854.

CHAPTER VII

CONCLUSION

The city of Omaha is a standing monument to Thomas Barnes Cuming. His actions locating the site of the first government there, and securing that location by producing a legislature favoring its retention at that site, were critical to its future. Almost single-handedly he made Omaha the leading metropolis of Nebraska, not only in his own day, but also in the present time. While Omaha retained the capital prize for a period of only fourteen years, it became, during those years, the largest urban and commercial center in the Territory, and it never relinquished that dominance. Cuming gave to Omaha the initial advantage, and she used it well. Not only did she use it to obtain economic preeminence, but, as a concomitant of this, she used it to obtain psychic dominance of the vast grasslands that lay west of her boundaries. When, in 1863, the longed for transcontinental railroad approached the eastern bank of the Missouri River, Omaha had secured a position in the region which made it inevitable that the rails west should begin where she reached down to that river. In 1863 it was Thomas Durant who bore witness for Thomas Cuming, and set the Union Pacific in Omaha--the final act which secured the city's future.

In reality it mattered little to Nebraska Territory in 1854

where the capital was located. A central location was obviously desirable so that all citizens would have reasonable ease of access; a location on the Missouri River was almost essential since that river provided the only existing link with the rest of the country for swift communication and heavy freight traffic. In addition, virtually all of Nebraska's citizens lived along the river in 1854. So far as the existing towns were concerned, all were about equal in advantage--none of them were very well developed and only two had physical accommodations for the machinery of government. Omaha, perhaps, exceeded Bellevue in the appropriateness of her plant developments for this purpose, and so might have logically been given an advantage thanks to the energy and imagination of her developers. But, in reality, between Omaha and Bellevue, there was very little choice.

As it was true that there was little intrinsic capital advantage in either of the towns of Bellevue or Omaha, but that only one would be the capital, so it was also true that there was no sectional advantage for the capital in either the north or south Platte regions, but that only one would contain the coveted location. The essence of the decision rested, then, not at all in considerations which were derived from the needs or best interests of the territory, they derived, by default, from considerations inherent in the needs and best interests of Thomas B. Cuming.

While the fact that Omaha owes its existence to T. B. Cuming,

that it was she and not Bellevue that grew instead of withered, is significant in the broad span of historical time, it is also important to observe that Cuming's selection of Omaha had more immediate and profound effects. Probably the most striking of these is to be found in the legislatures of the territorial period. The events of November and December, 1854, aroused such a storm of emotion and opinion in the Territory regarding the location of the capital, that virtually every territorial legislative session brought forth some new effort for removal from Omaha. The first legislature, particularly, devoted almost its entire session to the issue. The opponents of Omaha, the south Platte region, brought in resolution after resolution, bill after bill, all designed to force Cuming and the Omaha representatives to reveal the actual influences that decided the location. South Platte legislators engaged in every parliamentary maneuver known to secure the official papers Cuming had used and produced in conducting the census and in apportioning the territory.¹ When the important resolution was introduced locating the seat of government in Omaha by legislative action, it was fought with bitterness and skill by the opposition.² Nevertheless, all

¹ General Assembly of the Territory of Nebraska, 1st Sess. Journal of the Council (Omaha City: Sherman and Strickland, Printers, 1855), pp. 15, 19-20, 24-25, 26, 27, 44-45, 47; General Assembly of the Territory of Nebraska, 1st Sess., Journal of the House of Representatives (Omaha City: Sherman and Strickland, Printers, 1855), pp. 10-11, 24, 25.

² Journal of the House of Representatives, 1st Sess., pp. 22-26.

of these efforts: those to remove the capital from Omaha, to prevent its location there by action of the assembly, to force Cuming to reveal his methods and actions in making the original decision, failed.

Cuming's apportionment of fourteen north Platte men to twelve from the south Platte in the House, and seven north Platte councilmen to six south Platte members³ safely brought Omaha through this first legislative session. Fairness, however, requires that mention be made of the financial assistance from the Council Bluffs and Nebraska Ferry Company which solidified and maintained this Omaha majority.⁴

The issue of capital location consumed so much of the time of the first legislature that it accomplished little else.⁵ The important foundations of law and order were neglected, while the legislators wrung out of themselves all of the acrimony and outrage which had been built up during the long period of Cuming's indecision and the brief period of his final decision. That there would have been bitterness and a legis-

³ J. Sterling Morton and Albert Watkins, Illustrated History of Nebraska (Lincoln: Jacob North and Co., 1907), I, p. 181.

⁴ Bank J. Burkley, The Faded Frontier (Omaha: Burkley Envelope and Printing Co., 1935), pp. 101-102; James C. Olson, J. Sterling Morton (Lincoln: University of Nebraska Press, 1942), pp. 47-48 and note; Alfred R. Sorenson, History of Omaha (Omaha: Gibson, Miller and Richardson, 1889), pp. 78-80.

⁵ James C. Olson, History of Nebraska (Lincoln: University of Nebraska Press, 1955), pp. 88-90.

lative battle no matter where the capital had been placed is probably true, but the circumstances under which Cuming had acted and the manner in which he had conducted the location had strung tight the tensions in the Territory, and undoubtedly accentuated both the intensity and the length of the legislative battle. The brief administration of Thomas Cuming as governor did the territory, then, no service. It produced an emotional climate which made constructive legislative activities impossible and thus delayed the establishment of a settled territorial government.

Nor did the struggle in the legislature over the capital end with this first assembly. The question was brought up again and again in succeeding sessions with varying degrees of emotional intensity and determination.⁶ No other issue consumed so much of the time and energies of early Nebraska lawmakers. The bitterness and resentment which Cuming had incurred ~~interrupted~~ constantly, and the issue was never finally laid to rest until 1867 when the capital was removed from Omaha to Lincoln. Cuming had precipitated an enduring hostility both to himself and to Omaha which apparently could not be put aside without the cathartic action of capital removal.

⁶ General Assembly of the Territory of Nebraska, 2nd Sess., Journal of the House of Representatives (Omaha City: Hadley D. Johnson, 1856), p. 60; General Assembly of the Territory of Nebraska, 3rd Sess., Journal of the Council (Brownville, N.T.: Robert W. Furnas, 1857), p.83; General Assembly of the Territory of Nebraska, 4th Sess., Journal of the House of Representatives (Omaha City: Edwin S. Chapman, 1858), pp. 148-151.

Even then, however, the emotional forces which had been born in the heat of November and December of 1854 did not die. The legislative struggle between the north and south Platte sections over the capital in territorial days, carried over into the period of Nebraska's statehood. By the time the capital had been relocated, the sectional frictions had become ingrained and intermingled with other issues. This sectionalism has endured even to present times, and may be observed operating in contemporary legislatures and modern cities.

As for Omaha, Cuming's legacy to her was more than regional urban preeminence. It was also regional hostility. The resentment engendered by the location of the territorial capital became an habitual thought pattern among the citizens of the rest of the state. Long after Omaha had lost the capital, she retained the mistrust and dislike of Nebraskans. This force, also, is still operative in the middle of the twentieth century.

Thomas Cuming had come to Nebraska to bring order to an unorganized territory, but he brought years of fractional disorder and ineffectual government. He had come to help secure a national principle which was designed to obliterate sectional antipathies, but he created new and different sectional rivalries and hatreds. Cuming gave to Nebraska Omaha, but he did not give to it social or civic serenity, freedom from sectional friction, or even freedom of popular choice.

The effects of the events of late 1854 on the career of Cuming

himself were far more damaging. Public knowledge and recognition of the motives behind his actions produced an atmosphere of hostility toward him in the Territory which destroyed his effectiveness there as a public servant. Although he held territorial office until his death in 1858, he was never trusted, and his public association with any politician or program spelled almost certain death to them.⁷ Friends he had in Omaha, but nowhere else. Beginning in December, 1854, and continuing unabated until his death, various political forces in the Territory worked to secure his removal from office.⁸ That they did not succeed can be credited only to inertia in Washington,⁹ and Cuming's own strenuous efforts in his own behalf.¹⁰ With the birth of each new effort, Cuming left for the East to plead his cause.¹¹ His appointment was never again secure, and his opponents were making a concerted effort to secure his removal even during the period of his long illness and death in 1858.¹²

⁷ The withdrawal of Bird B. Chapman from the election for Delegate to Congress in 1854 is the most conspicuous example of this. In later years at Election time Cuming was noticeably absent in newspaper accounts of political rallies and campaign gatherings.

⁸ Burkley, op. cit., p. 91-92; Olson, J. Sterling Morton, pp. 44-45; The Nebraska (Bellevue) Palladium, 20 Dec. 1854, 27 Dec. 1854, 3 Jan. 1855, 10 Jan. 1855; The Council Bluffs (Iowa) Chronotype, 17 Jan. 1855; The Omaha Nebraskian, 30 Dec. 1857.

⁹ Ray Franklin Nichols, Franklin Pierce, (Philadelphia: University of Pennsylvania Press, 1931), pp. 381, 406.

¹⁰ Morton and Watkins, op. cit., 186.

¹¹ The Council Bluffs (Iowa) Chronotype, 30 July 1856; The Omaha Nebraskian, 16 Sept. 1857.

¹² Fenner Ferguson, Washington, D.C., 15 Feb., 30 Mar., 1858,

The events of the capital location in Omaha not only destroyed Cuming's hopes for the territorial governorship, but they very nearly deprived him of his position as Secretary. His political future died the day the Gray letter was discovered.

When Thomas B. Cuming emerged from the fire and brimstone of 1854 he was a changed man. Friends later observed that he kept more and more to himself during the ensuing years,¹³ but even they probably never knew the true extent of the attrition of his spirit. He had come to Nebraska a young man gifted in language, skilled in political jousting, optimistic, ambitious, aggressive and purposeful. At the age of twenty-six, he was faced with the irrevocable loss of all of his hopes for his own life, except that for personal wealth. To the last he maintained that he had conducted himself and his administration in an honorable manner,¹⁴ and this, in truth, cannot be denied if he can be evaluated only from the standpoint of his own interests and the moral political concepts of the day.

letters to J. Sterling Morton, Nebraska City; W.A. Richardson, Washington, D.C., 22 April 1858, letter to J. Sterling Morton, Nebraska City, J. Sterling Morton Papers, Manuscript Division, Nebraska State Historical Society.

¹³ James M. Woolworth, "Eulogy for Thomas B. Cuming," Transactions and Reports of The Nebraska State Historical Society, IV (1892) p. 86.

¹⁴ George L. Miller, Omaha, 30 Mar. 1858, letter to J. Sterling Morton, Nebraska City, J. Sterling Morton Papers, Manuscript Division, Nebraska State Historical Society.

The instrument for the destruction of Cuming's hopes for himself and the instrument for the shaping of much of the social and political character of Nebraska rested within the man. This element should be considered, perhaps, as less a flaw in personality than a flaw of youth. Skilled in public life as he was, he lacked discretion; decisive as he was, he lacked personal self assurance; ambitious as he was, he lacked moderation; idealistic as he was, he lacked devotion.

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